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JUDGES AND CRIMINALS:

SHADOWS OF THE PAST.

HISTORY

OF THE

VIGILANCE COMMITTEE

OF

SAN FRANCISCO, CAL.

WITH THE

NAMES OF ITS OFFICERS.

SAN FRANCISCO:
PRINTED FOR THE AUTHOR.
1858.

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PREFACE.

Believing that the citizens of the Union continue to study with undiminished interest the moral, social and political condition of California, the author, who has been for many years a citizen of that State, has decided to present a connected and accurate history of the most eventful period through which his State has passed. The history of the Vigilance Committee of San Francisco will doubtless be perused with deep interest by the people of those portions of the confederacy who enjoy the blessings of an enlightened freedom,—who have drank deep from the Pierian fountain of liberty,—who sleep in peace; secure in life, protected in their estates, and undisturbed by the dangers of civil strife. The author was an eye-witness of the scenes detailed in this work; they are given without exaggeration or partiality, and are commended to the notice of the American people.

CHAPTER I.

The dangerous effects of revolution—The elements which gave rise to the Vigilance Committtee — Alleged and real causes.

The insurrectionary events which occurred at San Francisco in 1856, impressed a deep stain upon the character of California; they are, therefore, a subject of regret to every Californian whose heart enkindles with pride when he points to the substantial benefits which the conquest and colonization of that country by the Americans has conferred upon mankind.

But these events taught a lesson to Americans — a lesson dearly purchased, but most salutary in its results — most impressive in the illustration which is furnished, of the importance and value of civil rights and remedies, as they are enumerated in the Federal Constitution, and guarantied by that sacred instrument to citizens of the Republic. They also produced in the public mind grave doubts about the efficiency of the system of government hitherto provided by the American Congress for the remote Territories and infant States of the Union.

Those States and Territories have generally been the theatre of civil war, and their inhabitants demand with great unanimity a more liberal infusion of the military arm into the government.

The author will not attempt to solve that problem of political economy and popular government respecting the increased propensities to insurrection and civil

strife, which seem to exist among the settlers of new territories and empires. But it is nevertheless a fact susceptible of irrefragible proof, that immigration from central portions of the Union begets in the mind of the adventurer a certain license or intracticability incompatible with his obligations as a christian and American citizen.

The sovereignties of the American Union have been generally distinguished for their progress in the arts of peace; but we are admonished by the past that we are not, nor will we be exempt from the vicissitudes of anarchy and revolution, which occur at intervals, upon the Eastern Continent.

Revolutions or insurrections sometimes have their origin in real or supposed public grievances, while they are much oftener the offspring of fanaticism or the attempts of designing or ambitious men to acquire power. The history of the past twenty years is pregnant with warning of the evils arising from such occurrences. It is to be lamented that this is the case with the people of the American Union, who are not only the law-makers, but who possess the power of selecting the various agents to fill every judicial, legislative and executive office in the commonwealth.

The safety and perpetuity of a republican form of government depends upon the submission of the people to the laws they have made. If wrongs exist, or if the rules of government are imperfect, there is a constitutional power to enable the people to effect a cure. But no minority of men can undertake to set aside the Constitution, nor can a State stand by and witness the violation of its written charter, or witness an encroachment upon the rights of its citizens, without being exposed to scorn and contempt. The Constitution is the sovereignty, while it remains unaltered; and any attempt to overthrow it by force, unless to resist its encroachment, is treason. With this brief allusion to the general principles of the American system of government, we will proceed to give the reader a concise his-

tory of the thrilling events which occurred in our sister State of California during the summer solstice of 1856, and which, if possible, increased the interest with which the civilized world has watched the rise and progress of that extraordinary country.

CHAPTER II.

Violent outbreaks have been coeval with the history of the State — Resistance to legal authority has been encouraged — Its consequences upon the morals of the people — The Hounds — The Vigilance Committee of 1851 — The events which led to the Vigilance Committee of 1856.

The State of California has unfortunately been noted for the lawlessness of its population. The cause may have had its origin in the neglect of the federal government, at the outset, in failing to protect its inhabitants, either in their lives or their property. Another prominent cause was, that at the close of the Mexican war, a large force of the disbanded soldiery, who had recently been engaged in that contest, were thrown upon the community; while a third reason was, that the discovery of gold had attracted the men of every tribe and nation, bent upon becoming rich without stopping to inquire how they were to acquire riches.

This heterogeneous community of men lived for some time without the form of government, and therefore forgot the restraints which it had formerly imposed upon them. When they suffered either a real or an imaginary grievance, they took redress into their own hands, and punished the objects of their wrath or passion. So frequently was this mode of redress resorted to, that death from violence became common, and hanging and strangling, even for slight crimes, became in vogue as an atonement for offences committed.

The State government, which was formed in 1850, was weak and inefficient; it required time to ripen the new government into a system, and the numerous population which was daily pouring into the State, was presently scattered over its broad area, and distributed at points where either the law or magistracy were unknown.

The first Vigilance Committee which sprung up in California had its origin in San Francisco, in the early part of 1850. A body of men formed into an association at this time, styling themselves "Regulators," or "Hounds." This band of men, it appears, were for some time acting under the Chief Alcalde at that place, and by a disgraceful, cowardly and despicable act, which was brought on by them in July, 1850, the feeling of the citizens became so roused against them that they rose *en masse*, and either put them down or sent them out of the country.

This band of men, it appears, were both idle and dissolute; lived, and only lived by imposing upon their fellow men, and by acts of outrage; and having, upon the 16th of July, picked a quarrel with some of the Spanish-American population residing in various parts of the town in tents, they determined to make a general attack upon the whole of that class of inhabitants. They accordingly set to work and demolished every tent in which resided a Mexican or Chileno. The grossest acts of violence were perpetrated upon these inoffensive people by either the rifles, bowie knives, revolvers or bludgeons of their cowardly assailants. Nor did the cries and shrieks of women avail, to stay the injuries inflicted upon their husbands, their children or their property.

The citizens accordingly held a meeting and determined to put a stop to these vagabonds and outlaws, who lived by exciting terror by their lawlessness, and who grew bold by the plunder which they obtained by extortion out of those who were weak enough to fear their anger.

During one of their excursions, they made an at-

tack upon a foreigner named Beaty, who, in defending his property from their attacks, killed one of their number. The remainder of their party, indignant at this act of manly resistance to wrong, and in defence of their inalienable rights, assembled the next day after the occurrence, and having agreed to confiscate Beaty's property, they carried out their will and sold his effects.

Success in this dastardly act, gained for them new strength; they paraded the streets, even upon the Christian Sabbath, in force, with the music of a fife and drum, and having set at defiance every feeling of regard for the rights of the inhabitants, the Alcalde was obliged to issue a call upon the citizens, asking them to meet upon the 16th of August, for the purpose of arresting the progress of these acts of evil, which had become so common in San Francisco.

This band of desperadoes, who now assumed the name of Regulators, spread their organization over the State, and the northern placers soon became the scene of violent assaults upon the foreign-born population of the country.

The sufferers by the outrages of these men in San Francisco were frightful; they were robbed of their property, and their dwellings razed to the ground. The meeting which was called for the 16th of August, came off, and was well attended; subscriptions were opened for the relief of the sufferers from violence, and a police force was organized, in which two hundred and fifty citizens enrolled their names, and were formed into companies.

As soon as this organization was completed, they took measures to secure the offenders, and seventeen of them were accordingly arrested, examined and lodged for safety on board the United States ship Warren.

The populace next appointed two special judges to act with the Alcaldes, as well as a district attorney, and on the following day a grand jury was appointed by them, who found bills of indictment against twenty of the rioters for robbery, riot, conspiracy and assault with intent to kill. Some were punished by imprisonment and fine;

others of the offenders were banished, and hence arose the inauguration of Vigilance Committees in California.

The seeds of disorder thus early sown upon the virgin soil of the State, produced abundant fruit. An attempted robbery in the early portion of the year A. D. 1851, was alleged to have been made by two men, and the victims of the popular wrath was found in two persons named Burdue and Windred, who were arrested. The populace determined to reject the interference of the courts, and to take the trial and punishment of these men into their own hands. A jury was accordingly empannelled by them, which met in the court-house which they had taken possession of. They next appointed judges, a prosecutor and counsel for the prisoners, and the trial of the two men proceeded with. In the meantime the populace numbering several hundreds of men and boys, hung around the scene of these occurrences: some clamorous for their death, while more loudly called for the execution of the judges.

The jury who were trying the two prisoners could not agree, and stood nine for their conviction, while three were for their acquittal. In this juncture of affairs the morbid appetites of the populace became eager for blood, they asked for the death of the two men who had just been tried by a jury appointed by themselves, and who yet could not agree upon their guilt, and it was with difficulty that such counsels were changed: the removal of the prisoners without the knowledge of the populace in another direction from the place where they were gathered, soon altered their determination, but it was not until the shades of night set in, that the crowd, angry for the blood of these men, retired. It was afterwards proven that these men who were charged with the commission of the robbery were not the parties who committed it, so that if they had gone the length they intended, there would have been two murders committed in the name of the people.

The Vigilance Committee of 1851 was formed out of this material, and its organization might include within it about six hundred members. It was claimed by the

organization of 1851, that its objects were the suppression of the crime of larceny, and the ridding the community of the escaped convicts from the penal colonies of Australia; while upon the other hand it was asserted that its bona fide object was for the avowed purpose of bringing into contempt the courts, some of which had passed decisions adverse to some of the existing bogus titles to real estate which covered the city of San Francisco. A man by the name of Stuart was now arrested by this Vigilance Committee, and hung by them.

About the beginning of June, 1851, another of the tragedies so disgraceful to the State, occurred in San Francisco. A man named Jenkins had been taken in the act of conveying away a small safe which he had stolen. The safe was placed in a boat by him, and he was conveying it away, when some members of this organization pursued him. Jenkins in the meantime threw the safe overboard into the Bay. It was however, fished up by his pursuers. He was arrested, and after having been put through a mock trial, was sentenced to die, which the Committee carried out upon the morning of the 11th of June, by putting a noose around the prisoner's neck some distance from the place where they intended to execute him, and having fastened a rope around a cross-beam of an adobe building which stood near the north-western corner of the plaza, a number of men pulled at the rope with such violence that the unfortunate man must have been dead before his body was suspended from the beam. There was an attempt made to stop this brutal exhibition, but it was of no use; the thirst for blood which was created had to be satisfied, and the friends of law and order were pained to witness such an outrageous violation of the rights of even a felon without the forms of law. It was the first time in the nineteenth century that the crime of larceny brought with it the death penalty. It was the commencement of an encroachment upon the constitution and laws which but a year preceding, those same violators of law had formed and guarantied to abide by; and yet before the ink became dry upon the statute book, they commenced

a series of outrages which gave strong proof of an insubordination which speaks but badly for a capacity for self-government. Whether as a judgment which fell upon the city, or owing to the vengeance of the friends of the murdered man, a fire broke out about this time upon the 23d of June, 1851, which raged with such violence that a great portion of the city was laid in ashes. Of course the burning of the city, which it was most probable arose either from negligence, misfortune, or some bankrupt merchant's desire to make a clean balance sheet with his consignor, was seized upon by the Vigilance Committee as a reason for their keeping up their organization.

Upon the 24th of August, another of those violations of law occurred in San Francisco. Two prisoners named Whittaker and McKenzie, who were charged with robbery, and had been taken out of their hands by the constituted authorities, were in the County Jail. It was a Sabbath morning, and it was the custom of the prisoners to be admitted to the jail yard, for the purpose of hearing public worship. While thus engaged a band of armed men suddenly surrounded the jail, and having broken it open, captured the two men, and after hurrying them into a carriage, they proceeded with them to a street called Battery. The unfortunate men were conveyed into the upper story of a building, where they were speedily pinioned; ropes were next adjusted out of two beams which protruded over the outside of the building. The noose of these ropes were placed around their necks and they were thurst out of the windows which overlooked the street. The ropes were pulled violently by members from the inside of the building, which nearly dashed the brains of the doomed men against the beams out of which they were suspended. The crowd which had thronged about the building at this time was immense. The curses, jeers, and imprecations which were heard on every side; the loud laugh and the obscene joke which was cracked in the crowd below; with the evident glee and humor with which the members of the Committee carried out their bloody purpose, will long remain vivid in the memories of those who witness-

ed those occurrences of blood, those violations of law—those violent outbursts of popular passion.

The Committee of 1856, however, differed from that of 1851 in this: that while the former only punished for the alleged commission of offences against property, the latter took no cognizance of crimes against property, but only assumed to act for the punishment of offences against life, against the political pecadilloes of men who were charged with the commission of frauds upon the elective franchise. They, however, assumed as they gathered strength, other grounds of a political nature, namely: the ejecting of every man who came under their ban from office, and the substitution of their own creatures instead thereof.

The Committee of 1851, like that of 1856, was secret in its organization: each required certain qualifications from each of the applicants for admission to their brotherhood, and each when admitted were bound by oaths to secrecy, and each of them had their signs, grips and passwords.

The novelty of both organizations attracted large numbers of persons within their halls, and once there they were committed to the acts of the Committee, and to shield themselves from their guilty acts, they were bound to remain by the organization. Some who had once been guilty of wrong were prevented of retracing their steps either by pride, indecision, or cowardice. The desire for to be on the popular side attracted numbers to become members of those organizations, while more joined these organizations to hide their guilty tracks, and to escape detection and punishment.

Shrewd political party hacks saw in each a chance to make political capital, and looked for place and profit for their adhesion to these rotten institutions in the present or the future, while many were forced into their organizations by threats, or by being dependent upon men of business, who in each controlled the respective organizations. Both organizations were mainly composed of merchants; a great number of whom were bankrupt, and had robbed their creditors, while a few

members of the legal fraternity jumped over the book, upon which they had sworn an oath to maintain the constitution and the law; and for the sake of filthy lucre and an increase of clients, joined in the general resistance and violation of the constitution and the law of the land.

The pulpit too, contributed its quota in both cases to support the general disorder, and men were found base enough in each to convert their sacred calling into the hunting of small thieves, and the smelling after the blood of some poor miserable remnant of mortality; and for this purpose they converted their pulpits into places where angry harangues and appeals to passion usurped the mild and Christian forbearance and forgiveness of the great author of Christianity.

An event which occurred upon the 14th of May, 1856, in the city and county of San Francisco, was well nigh involving its citizens in the horrors of a civil war.

For several years complaints had been made about the conduct of the officials who were placed in power in the county. It was charged by the persons desirous of creating disorder, that by corrupt practices at elections the purity of the ballot-box had been tainted, and that the elections were controlled by a body of men who possessed no ostensible means of obtaining a livelihood; also that persons who were charged with the commission of crimes were permitted to escape without their merited punishment.

It must be recollected, however, that crimes ever have been committed and will be committed in all populous communities in spite of the best police regulations to prevent them; despite of the best exertions of legislators, whose duty it is to provide checks for the purpose of restraining their commission. But the difficulties which sprung up in California at this time are to be ascribed to a variety of causes other than those assigned for their origin.

The population of San Francisco is made up of the strangest and most mixed materials of any city in the universe. The quick and impulsive Gaul, who looks

upon revolution as a necessary mode of getting rid of a government of which he has become tired, and the substitution of another, is found here side by side with the newly arrived Englishman, who, owing to a want of acquaintance with the duties of citizenship, and wondering at the absence of pomp and ceremony in America, which attends the administration of justice in his own land, sets down the whole as a farce and not entitled to his respect. The German, too, so long accustomed to the habit of paying tribute to the military rule of his native country, and remembering the celerity with which retribution follows the commission of wrong in his native land, wonders at the acknowledged respect which civilization and humanity have induced the people of America to pay to the rights of the citizen.

Thus, while the comparison might be proceeded with in reference to the whole foreign born population, who were, with the exception of the people of the British islands, unacquainted with the American system of jurisprudence, founded upon the British system, and to which both people look with so much reverence. There are more strange materials composing California society than the persons of foreign birth who lived within its borders. There is a strong diversity of character existing between the native born citizens of the widely separated States of the American Union. The citizens of Maine and Massachusetts in the North, and Louisiana and Texas in the South, who meet and mingle here upon a common level, display idiosyncracies of character and taste not less opposite or irreconcilable than those of the stolid German and capricious Frenchman. The natives of Massachusetts and Maine are descended from the Puritans, whose habits and customs are founded on the austere maxims of the Calvanistic creed and the Mosaic code. The natives of Louisiana or Texas are the descendants of the men who were a type of the old Cavaliers of the days of Charles the First. One has been bred a strict constructionist of the Mosaic law, so that in most cases he oversteps its boundaries in the endeavor to make men pious by legislation, and outwardly moral

by the prohibition of rational amusements. While the man of the South, bred in the atmosphere where dishonor follows the commission of wrong, with greater certainty than in those countries where it is inflicted by penal enactment, takes the best view of life and its duties, and is therefore bold in his acts, warm in his friendships, quick in his quarrels, and always as ready to resent an injury as he is slow to give an insult.

In the North, personal abuse or personal wrong is seldom punished by the infliction of chastisement, or a resort to the duello; consequently this degree of injury is passed over unnoticed. Not so in the South; there, no man dares to deliberately inflict an injury upon his fellow-man without preparing to atone for it. It will be readily seen that with such strange elements in society, and that in a new country, there must be clashing.

Another cause why a society, made up of such mixed materials, cannot exist without an occasional eruption, is the everlasting, absorbing, all-devouring appetite for gold which pervades it.

CHAPTER III.

Further causes of the origin of the Committee of Vigilance — The failure of the Banks most prominent — James King of William takes advantage of this — The Evening Bulletin and its editor, James King — Evidences of malice and violent publications in its columns — Political differences — The attack made upon James Casey by Mr. King — Result of attack of Casey on Mr. King, by his being mortally wounded.

The disastrous results attending the failure of several of the prominent banking houses of the State of California, the frauds practised upon the citizens of the State by bankrupt traders, which in turn were followed by State peculation, had ruined numbers of persons and produced a want of confidence and an universal panic, which only needed some irritating course to make it produce disorder.

An ex-banker, who had been lately employed by the banking and express firm of Adams & Company — one of the firms which had closed its doors against its depositors, whether with the desire to wreak his vengeance upon his late employers, or for the purpose of benefiting the public by the exposure of their frauds — commenced the publication of a newspaper called the "Evening Bulletin," in the city of San Francisco, a city which had been before this, surfeited by journalism.

Mr. King set out with the new idea of opening his journal to personal assaults upon the reputation of private citizens as well as upon public men, and more par

ticularly to assaults upon the attaches of the house of Adams & Company. This method of assault was new, and found a multitude of sympathizers among those classes who had been injured by the numerous failures of the banks. Attack upon one side in the columns of this paper, was met by counter defence and assault, until the press, instead of being a medium of intelligence and the faithful guardian of the rights of the people, was suddenly converted into a vehicle for private vengeance.

It appears that there existed in the ranks of the democratic party, divisions, which amongst the men of the lowest order of intellect on either side, was made the subject of attacks and assaults of one upon the other. On one side it was alleged that the men of the northern wing of the party, under the leadership of D. C. Broderick, were not very choice as to the manner in which they acquired office, by using both fraud and bullyism; while upon the other hand, the southern wing of the party, under the leadership of Gwin, controlled all the federal offices under the Pierce administration, and kept the other wing of the party from obtaining the spoils of office.

The real subject of difference, however, between these factions, arose from the ambitious designs of two men — Broderick and Gwin — to obtain seats in the United States Senate; both of them managed their forces adroitly, and no doubt, in some instances, in a manner to reflect discredit upon themselves, by their selfish conduct, and the unscrupulous mode in which they acted in attempting to accomplish the result of their aspirations.

The old whig party had died out, and was substituted by all the various isms of the day, Know Nothingism included; all, of course, hated the democracy, and viewed with pleasure the dissensions in their ranks. Know Nothingism had become odious on account of the frauds perpetrated by that party during their continuation in office, and anything that could occur by which the democratic party could be broken up, would be a

god-send to the numerous hungry political vultures who were without party or organization around which they could rally to secure for themselves a share of the monies or profits arising from public office. The opportunity for which they longed, presented itself about this time, and they were not slow in reaping the advantages resulting from it.

An attack was made upon the brother of James King, the editor of the Bulletin, in the columns of a Sunday paper, called the "Times," by a correspondent; this paper was published by a man of the name of Casey, who had been elected, some time before, as one of the Supervisors of the city. The correspondent who wrote the article which appeared in the columns of the Times, charged therein that certain violent language which was used in the Bulletin against the United States Marshal of the Northern District of California — McDuffie — was instigated by the fact that King's brother had been a candidate for that office himself, and that this was the motive for his attacks upon the Marshal, McDuffie, in the Bulletin. Upon the appearance of the article in the Times newspaper, King's brother demanded of Casey the name of the author, which Casey refused, stating that the author was a married man, and that he would take upon his shoulders the responsibility of the act, if any responsibility was attached to it.

A short time before this event, it appears that some violent enemies of Casey had obtained from New York, some evidence of his early indiscretions; to wit: the judicial record of his conviction, sentence, and subsequent pardon for a crime — gave them to the editor of the Bulletin for insertion, and he proposed to publish the same. In the meantime, Casey got notice of the intention of Mr. King to publish these papers, and was aware of the malicious motives of the men who had thus sought to ruin him in the estimation of every man, in the same manner that they before this time sought to take his life, and imagining that the editor of the Bulletin was somewhat governed by the like spirit of revenge owing to the refusal of Casey to surrender up

the name of his correspondent, who had attacked his brother, Thomas S. King, in the columns of the Times, Casey called upon the editor of the Bulletin and requested, nay, begged of him not to publish the record of his past indiscretions, intimating to the editor that he was doing his best to retrieve his character, and to sustain a good name amongst his fellow men. It is said, that Mr. King demanded of Mr. Casey, in a boisterous tone, to leave his office, never to present himself there again; at which, Mr. Casey told him that he would defend himself from attacks, and make the editor responsible for them. The Bulletin, shortly after, contained in its columns what purported to be the record of a felony, which it was said Casey had been some years before convicted of.

Upon the appearance of this expose of Casey's character, he determined to attack King in the streets, when he should meet him; and for this purpose he armed himself with a pistol. The opportunity soon presented itself. Mr. King, upon the afternoon of the 14th of May, 1856, had left his office, in Montgomery street, and was passing diagonally across it near the corner of Washington street. While Casey, watching his opportunity for a meeting, observed the former approaching towards him.

Casey called upon Mr. King to defend himself; he did not notice the warning, but, wrapped up in a cloak, passed onwards. In the meantime, Casey had drawn and cocked his pistol, levelled it at King and fired, the ball taking effect in his left breast. The wounded man continued his way across the street and entered the office of the "Pacific Express," where his wound was attended to. Casey, in the meantime, had surrendered himself to the authorities, and was conveyed to the office of the Chief of Police in the basement of the city hall.

CHAPTER IV.

Escape of Casey to the jail — Excitement of the populace — Scene at the jail — The military called out and put in force upon the jail — The organization of the Vigilance Committee.

As the news of this occurrence spread over the city, it became the scene of the wildest excitement; men rushed in multitudes to the building in which Mr. King was lying, and the streets bordering the city hall square were speedily thronged with an infuriated mob. It soon became apparent to the officers at the police station that the prisoner, Casey, could not be retained in custody there without imminent danger of his rescue by the mob. They determined therefore to remove him by a "*coup de main*" to the county prison. A carriage was drawn up at the rear entrance of the city hall, and the prisoner, guarded by a posse of officers, was conducted toward it.

The attempt was detected by the people, and was very near proving fatal to Casey; he had barely entered the carriage, when he was seized by the foremost pursuer. Casey leveled the pistol with which he had been provided, and the man released his hold. The officers in an instant shut the doors, mounted the carriage and it was driven off at lightning speed, followed by a mob which had now swelled to thousands: it was a race for life. The distance was nearly half a mile, over ascending ground; the horses outran the people, and they arrived at the prison just in time to see the

doors close upon Casey and his guard. They nevertheless turned away with threats of vengeance.

The excitement now took the form of discussion — of argument and of denunciation, in which the facts connected with the tragedy and the chances of wresting Casey from the officers of the law were vehemently debated. Some were not at all surprised at the occurrence, and only wondered why it was so long delayed, for the reason, that Mr. King had, in the columns of his journal, published a standing challenge to the world, in which he stated "that he lived convenient to the graveyard;" intimating thereby, that any person who would have the temerity to attack him should be buried there.

Knots of men might now be seen at the street corners deliberating upon what was best to be done. Some mounted barrels or bales of goods, and addressed the excited populace, who now determined that they should proceed at once to the jail where the prisoner was confined for the purpose of rescuing him out of the hands of the authorities.

The excitement gathered strength from the fact that some few weeks previously the United States Marshal for the Northern District of California, General Richardson, had been killed in the streets by a man named Cora, who had been tried for the offence and was now awaiting his trial, a former jury having disagreed upon his case.

Towards the evening of the 14th of May, crowds of persons moved towards the jail where the prisoner was confined, while the authorities in charge of the prison posted a force here to prevent an attack. A demand was made by the sheriff of the county, David Scannell, upon the Mayor of the city, Van Ness, for the assistance of the militia for the purpose of preserving the peace and the prevention of riot.

The demand having been made upon Lieutenant Colonel West, in command of the first infantry battalion, and upon Major Rowell, in command of the first mounted battalion, both of these officers with prompt-

ness were on the ground with their respective commands to render such assistance as might be needed.

The mounted battalion, consisting of the First Light Dragoons, Captain Reed, and the National Lancers, Captain Hayes, and the California Guards, an artillery corps, were ordered to patrol the streets; while the infantry battalion, under Lieutenant Colonel West, consisting of the City Guards, Captain Clark, the Blues, Captain Farren, the Marion Rifles, Captain Riggs, the Sarsfield Guards, Captain Ryan, and the Continentals, Captain Fenn, were posted in the vicinity of the prison.

The persons disposed to make an attack upon the place, in consequence of these preparations, found it prudent not to risk it, and it was for the present abandoned.

A number of citizens who had some time previously been members of the Committee of Vigilance, met the same night at a place called the "Bella Union," and a proposition was made to reorganize that body, which was unanimously carried.

CHAPTER V.

The gathering storm — Impossibility of Sheriff Scannell to summon a force to protect the jail — Its surrender to a guard of the Committee by orders of Governor Johnson — Desertion of it by the friends of "Law and Order."

The night of the 14th passed without a breach of the peace, and the soldiery, tired from the effects of their night's duty, were dismissed. But the feeling which exhibited itself the previous evening had not been allayed; there was a subdued quiet in the community which gave evidences of the approach of a gathering storm which would soon extend its fury over the city. The committee of citizens now resumed their labors, and obtained a place large enough for the purpose of holding their meetings. Thither vast numbers of persons flocked, either out of curiosity to witness what was going on, or for the purpose of enrolling themselves in the organization.

In the mean time the city authorities looked on and allowed these matters to proceed without molestation.

The Sheriff was in charge of the prison; meanwhile this officer endeavored to secure a guard for its protection, and issued an official summons to the citizens to come forward and aid him in maintaining the laws. Very few persons, however, responded to the call made on them; at the same time it was discovered that no confidence could be placed in several of the uniformed companies, particularly the California Guards, the City

Guards, the National Guards and the First Light Dragoons.

It became evident at this juncture that there was no probability of protecting the prison or prisoners; and the Mayor of the city having communicated this fact to the Governor of the State, J. Neely Johnson, asked his coöperation.

In this dread emergency, the Governor exhibited great indecision and pusillanimity of character. Trembling at the weight of responsibility which his official position imposed upon him, he undertook to evade it by private consultations and negotiations with a band of men in arms against his authority. He even assumed the attitude of a suppliant and begged for that submission which he had not the courage to enforce. In his person, therefore, the free people of a State were subjected to the humiliation of a base betrayal and surrender to an internal foe, whom, under an able leader, they were fully prepared to meet and conquer. The result of the Governor's treaty with the committee was, that he admitted a portion of their body into the prison where Casey was confined; thus demoralising and degrading the military companies, and the men who were ready to die in defence of their country and its laws. It is unnecessary to comment at length upon the conduct of J. Neely Johnson; suffice it to say, that the friends of constitutional order argued from it a degree of weakness on the part of the authorities; that, in fact, they were guilty of a flagrant violation of their duty in thus surrendering up the power, not only of the county, but of the State. It was openly proclaimed that the day fixed by the Executive Committee of Vigilance for the assault upon the prison, was the succeeding Sabbath. Meantime the swelling ranks of this illegal organization were drilling and perfecting themselves in the use of arms.

CHAPTER VI.

The rescue of the prisoners, Casey and Cora, out of the hands of the authorities — Fifteen hundred men and several pieces of cannon put in requisition for the capture of the prisoners — Conveyance to the Room of the Committee of Vigilance — French Aliens in the ranks.

Sunday, the 19th day of May, 1856, broke upon the city with its usual stillness; the church bells announced the meeting of worshippers for prayer in the several churches, when by a sudden signal upwards of fifteen hundred armed men were collected together by a sudden concert of action. These were formed into companies of from eighty to a hundred men each, under skillful leaders; they likewise possessed themselves of two pieces of artillery, the property of the State, under the charge of the California Guards, one of the companies that had deserted the standard of the State authorities and joined the ranks of the insurgents. The appearance of such a large body of men at such a time and for such a purpose created no small astonishment, and crowds of persons filled the streets for the purpose of witnessing the occurrences, which every one expected would follow their assembling.

The entire force of the insurgents was put in the order of march at their rendezvous on Sacramento street, under the command of a person named Doane. They moved forward in military style through the streets of the city in the direction of the prison, followed by a large concourse of persons.

The prison of the county in which Casey and Cora

were confined, is situated midway between Kearny and Dupont streets, and was an unfinished stone building, which is ascended by a slight elevation of about six feet. On the east side was on open space, while the westerly side was approached by an alley. Towards the north arose a steep hill called Telegraph Hill, from the fact that at one time it was used for the purpose of signalizing vessels on their way in from the ocean.

Opposite to the door or gateway which led to the prison a brass field piece was planted by them, by the side of which gunners were stationed ready for the discharge if found necessary. In taking up their positions for the assault, it can hardly be said that the Committee displayed military skill; because none of the points which a military man would have chosen to have defended the prison from a besieging party were occupied by the Sheriff. Indeed, he had no forces to occupy them with; they were accordingly instantly occupied by the Committee, and in a military point of view, gave them full command of the position. Every thing being in readiness, at the given signal the gunners lighted their matches, and the riflemen, standing in close range, took a deadly aim upon the members of the little party whom the Sheriff had stationed on the roof of the prison.

The Committee were not long in arriving in front of the jail, when they posted large bodies of armed men in every position that could be considered accessible.

'A detachment of the Committee then advanced to the door of the prison, and called upon their confederates inside, whom Gov. Johnson had detailed (!), to come out; they immediately obeyed and joined their comrades outside. A select party of the Committee then advanced and called upon the Sheriff to surrender; then, for the first time, the prisoners, fully awakened to a sense of their condition, and probably having secured weapons from their friends, intimated their determination not to be taken out alive.

The Sheriff immediately perceived that it was impossible to maintain his position; defeat was inevitable, and resistance was destruction. He therefore replied

to the demand of the Committee, that they could take the jail and its occupants by force, but that the act would be done against his will; and in the face of his protest, the special party entered the jail, and headed by M. H. Truett, advanced to the door of Casey's cell. The prisoner drew his knife, and only consented to be taken, upon the pledge of Truett that he (the prisoner) should have a trial, and that after his conviction ten minutes grace should be granted to him to prepare to die. Truett having given him the pledge, Casey surrendered himself, and was conducted from the jail. The appearance of the party as they emerged from the door of the prison was terribly impressive. Casey, drooping and fainting in the midst of his captors, filled every eye. He was placed in a close carriage between his guards; the Committee formed around it in close order with their forest of bayonets glittering in the morning sun. The order to march was given and the mournful procession moved forward to the Committee Rooms, accompanied by thousands of citizens. Meantime a detachment of the Committee was left in charge of the jail during the absence of the main body.

The procession with the prisoner Casey passed on to the rooms occupied by the Committee in Sacramento street; nothing occurred to disturb its march. The timid Executive hid his face; and the citizens, in an agony of apprehension, called in vain upon the government, which was solemnly bound to protect them.

CHAPTER VII.

The trial of the prisoners, Cora and Casey, proceeded with—The death of James King of William from neglect of the dressing his wound by Surgeons in attendance upon him—Excitement increased—Burial of King, and execution of the prisoners.

All attention was now fixed on the Committee of Vigilance, and many conjectures were formed as to the disposition they should make of the prisoners in their hands. It is certain that they had determined upon giving them some form of trial, and were absolutely engaged in that extra-judicial duty.

It must have been a strange sight to witness men, themselves guilty of the commission of crimes at the very outset, and having gravely violated every rule of law and right which society recognizes, arraigning before them two persons charged with alleged violations against those same rules and laws. It must have been stranger still how their conduct could have been considered either patriotic or just, or that they could pretend to be governed by correct motives, when they could overstep the grand charter of human rights, which was secured at Runnemede by the Barons from King John, and which is looked upon on both continents as the palladium of liberty — the right of the accused to have a fair and impartial jury, who should be without prejudice or bias, and to have the liberty of being confronted with their accusers, who should give their testimony, under the form of a judicial oath and its sanctity, and before a Court

which should be versed in legal lore; transmitted through the wisdom of the grave and sad men who, for centuries, had been placed in judicial positions on account of their learning and wisdom; and who filled their seats with honor; and to have the aid of counsel of ability and learning, whose advice would aid them in the trying moment when they were placed at the bar of public justice, to answer for the alleged violations of the laws of theircountry. All these rights, which are secured to each individual by the Constitution and the laws, were, however, denied them. The judges before whom they were tried were unknown, except to rumor.

The witnesses who gave testimony against them were under no obligations to give their testimony fairly and impartially, for they could not have been subjected to punishment for giving false testimony. The counsel assigned to them—if counsel were assigned—was ignorant of the rights of the citizen under the law, and could not appeal to their judges, and the men before whom they were tried could not try them according to the rules of evidence and the law, for the reason that he and they were knowingly guilty of their violation. It was not to be expected that they would respect that which they trampled upon, and whose authority they defied.

These men might have been guilty of the crimes with which they were charged—nay, and deserved punishment; but before the eyes of the civilized world, and in the eye of the law, it would be considered murder to take their life. It will be seen, however, by what follows, that this Committee undertook, in the face of all these facts, to take the responsibility and odium of such proceedings.

The wounded man, King, had been rapidly sinking, and upon the 20th of May, 1856, he died from the effects of his wounds.*

* Some time after the decease of Mr. King, during the pendency of the trial of Edward McGowan, as an accessory to his killing, it came out, by the examination of a surgeon, named Cole, that King did not die from the effects of the wound inflicted upon him by Casey, but from the malpractice of the surgeons who dressed his wound.

His death sealed the fate of the prisoners, and there was no man in the State whose fate was more lamented. Stores were closed, and the black drapery which festooned the habitations of the citizens, gave evidence of the deep-seated grief with which they were imbued.

The death of King had in no wise allayed the feeling of the populace; it was conjectured, in fact, demanded, that the execution of the prisoners should be instantaneous; but this was reserved for the 22d day of May, 1856, when the body of Mr. King was about to be conveyed to its last resting place.

From the unusual degree of activity which was displayed upon the morning of the 22d May, about the rooms of the Committee of Vigilance, and from the fact that carpenters had been employed extending beams from its roof, and making trap doors from two of the windows of the Committee-rooms, it became evident that this was the place selected for the execution. Upon the same day the funeral of the deceased editor was to take place; and as the funeral cortege moved onwards, attended by a large number of persons, the rooms of the Committee and the streets leading to them became filled with the populace, who were waiting in expectation of the dreadful tragedy which this place was soon to be the scene of. A large armed force of the members of the Committee were now posted in front of the entire street opposite the place of execution, and the approaches west and east of it, were commanded by artillery, as well as the place opposite the scaffold.

A body of cavalry were also posted at the extremes of the line of infantry for the purpose of keeping back the populace, as well as to be ready in case of an attack to resist it, while the roof of the building in which the prisoners were secured was covered with armed men.

At length both of the doomed were seen on the sills of the windows, and within sight of the populace. Their feet and hands were tied with cords, and their faces covered with white handkerchiefs. Casey wished

to speak to the populace; and having worked himself to the front of the platform, requested his face to be uncovered. He then spoke in a strong and clear voice for several minutes; stating to the crowd that he was not a murderer; that he had been taught to resist an insult, and ended by exclaiming, "When I am dead, let no man dare to charge me as a murderer; Oh, my poor mother! I am murdered by the Vigilance Committee." The clergyman who attended him at the last moment, now turned towards him and told him to pray to God to save his soul.

During this time Cora stood upon the scaffold unmoved; and when Casey had concluded, the rope was adjusted about his neck, the bolts which fastened the trap doors were drawn, and the two unfortunate men were launched into eternity. The news of the execution became the signal for a general rush towards the place of execution; a sea of humanity, composed of persons of all ages, sexes and conditions, trod down each other in their hurry to witness the awful tragedy; the roofs of houses in the vicinity became crowded with human beings to such a degree as for some time to render it doubtful, whether more tragedies would not have been enacted other than those which had just occurred.

As if to augment the swelling tide, it so happened that from some cause, the funeral cortege of King stopped opposite a street which overlooked and led to the place of execution. Afar off from the funeral cortege might be seen the act of death going forward. Thousands instantly quitted the funeral pageant and rushed forward to witness the spectacle. Like an ocean wave, propelled by the dread fury of the elements, came these mighty masses of human beings, rushing, struggling and clamoring to the scaffold.

It was a terrible spectacle of horror and gloom, and exhibited a fiendish exultation over the fate of the doomed men which can never be effaced from memory The curtain at length closed for this day upon these scenes by the removal of the bodies of the strangled men by the Coroner of the county.

CHAPTER VIII.

The execution of Casey and the burial of James King—Arrest and death of Yankee Sullivan — Several persons sent out of the country — Resistance of the Committee to the writs of the Courts — Proclamation of the Governor declaring the county in a state of insurrection.

Upon the succeeding Sabbath, the tolling of the church bells which summoned the pious to prayer, sounded the funeral knell of Casey, one of the victims whose life was sacrificed to the spirit of violence.

As the funeral cortege departed from the engine house of No. 10, of which company he had been in life a member, a large concourse of persons occupying every description of vehicle joined it for the purpose of following his remains to the tomb. It was an evidence that the acts of this body in depriving a human being of his life without the forms of law were not approved of by a large portion of the citizens.

That Casey was held in estimation by his immediate friends and companions, is evident. The members of the fire company of which he was a member, erected a superior and costly monument over his grave, with designs in relief, of a fire-cap, lamp, and hook and ladder, the latter of which was broken — emblematic not only of his being one of their number, but of his fate. It seems from his epitaph, that he had more charity than those who took his life. For here is inscribed the words,

"God forgive my persecutors."

The next inquiry which was on the lips of men was, what would be the next overt act of the Committee. The recent executions secured them strength from accessions as well as from those who sympathised with them, but who had not joined their organization. A great number of persons who had a desire to cover up their own wrong doing sought for admission in their ranks, to protect themselves against injury. Men who had sworn to maintain the Constitution and the laws, were now observed joining hands with their violators. The determination was now made to arrest several persons who had become marked in society, and who were suspected of aiding in producing the death of King. The secret agents of this irresponsible tribunal were therefore distributed over the city for the purpose of making arrests. The houses of citizens were disturbed by the midnight incursions of armed men, who were engaged in endeavoring to discover suspected persons.

Another tragedy took place upon the 31st of May, which created no small excitement and horror. The Committee had arrested a man named Yankee Sullivan, a noted prize fighter, who was suspected of the commission of frauds at a former election, and who was confined in one of the cells of their bastile.

While thus in prison, it is said that he was filled with a notion that the persons having him in custody were determined to execute him. This feeling had taken such possession of his mind, that he was induced to commit suicide, which he did by severing the arteries of his right arm with a case knife, from the effects of which he died.

The following named persons — Charles P. Duane, William Mulligan, Wooley Kearny, William Carr, Martin Gallagher, Edward Bulger, Peter Wightman, Edward McGowan, John Crowe, William Lewis, Terence Kelley, John Lawler, William Hamilton, James Cusick and J. W. Bagley — next came under the ban of this organization, and they were accordingly either sent out of the country, or fled into the interior for the purpose of escaping the fury of the Committee.

It happened that one of the courts of the State had issued its writ of habeas corpus for the purpose of obtaining the body of a person who was in the hands of the Committee as a prisoner.

The Sheriff of the county now undertook to execute the writ; he made application, but was refused admittance into the place where the prisoner was confined, and consequently had to make a return that he could not find the prisoner. The return of the writ to the court from whence it issued, and the fact being made known to the Governor of the State, J. Neely Johnson, he issued the following proclamation upon the 3d of June, declaring the county of San Francisco in a state of insurrection:

GOVERNOR'S PROCLAMATION.

EXECUTIVE DEPARTMENT,
Sacramento City, June 3d, 1856.

Whereas, satisfactory information has been received by me that combinations to resist the execution of legal process by force exist in the county of San Francisco, in this State, and that an unlawful organization, styling themselves the Vigilance Committee, have resisted by force the execution of criminal process, and that the power of said county has been exhausted and has not been sufficient to enable the sheriff of said county to execute such process,

Now, therefore, I, J. Neely Johnson, Governor of the State of California, by virtue of the power vested in me by the Constitution and the Laws thereof, do hereby declare said county of San Francisco in a state of insurrection, and I hereby order and direct all of the volunteer militia companies of the county of San Francisco, also all persons subject to military duty within said county, to report themselves for duty immediately to Major General William T. Sherman, commanding Second Division California Militia, to serve for such term in the performance of military duty under the command of said Sherman until disbanded from service by his order.

Also that all volunteer militia companies now organized or which may be organized within the Third, Fourth and Fifth Military Divisions of this State; also all persons subject to military duty in said Military Divisions do hold themselves in readiness to respond to and obey the orders of the governor of this State, or said Sherman, for the performance of military duty in such manner, and at such time and place as may be directed by the governor of this State.

I furthermore order and direct that all associations, combinations or organizations whatsoever, existing in said county of San Francisco or elsewhere in this State, in opposition to, or in violation of, the laws thereof, more particularly the association known as the Vigilance Committee of San Francisco, do disband, and each and every individual thereof, yield obedience to the Constitution and Laws of the State, the writs and processes of the courts, and all legal orders of the officers of this State and of the county of San Francisco.

(Signed) J. NEELY JOHNSON.

This proclamation had been anxiously expected for a long time by the friends of order, many of whom declared that if the Governor had possessed sufficient firmness to have done his duty at the outset, this illegal organization would not have proceeded to the length which it did. The State had already been disgraced by witnessing its authority and that of its officers set aside by a body of men among whom were a large number of aliens. William T. Sherman, a prominent citizen, was appointed by the Governor, Major General of the Second Brigade, Second Division of the State Militia, to which brigade the county of San Francisco was attached. He was authorized to call into requisition the enrolled militia of the State for the purpose of sustaining the authorities in carrying out the mandates of the courts, and preventing outbreaks or riots. Upon the 4th of June, 1856, he issued the following orders for their enrollment:

HEAD QUARTERS, 2D DIVISION CALIFORNIA MILITIA,
San Francisco, June 3d, 1856.

GENERAL ORDERS.

No. I. The following extracts of an act concerning the organization of the Militia of this State, passed April 25, 1855, is published for the information of all concerned:

SEC. 1. All free, able bodied white citizens, between the ages of eighteen and forty-five years, residing in this State, and not exempt by law, shall be subject to military duty, and shall be enrolled as hereinafter directed.

SEC. 2. The enrolled militia and volunteers and independent companies of this State shall be organized in six Divisions—the counties of Santa Cruz, Santa Clara, San Francisco, Alameda and Contra Costa shall compose the Second Division.

SEC. 17. In case of war, insurrection or rebellion, or the resistance of the execution of the laws of this State, the Commander-in-Chief is authorized to call for such portion of the enrolled militia of this State, by an order directed to any or all of the Major or Brigadier Generals of Militia, as he in his discretion may deem necessary, and also to call on any and all of the volunteer or independent companies of the State, &c.

SEC. 18. Whenever such order shall be issued by the Commander-inChief, the officer to whom the same shall be directed shall immediately cause said order to be published in the newspapers of the county or counties from which said troops are to be drawn, or in some other manner he shall give publicity to the order, &c.

SEC. 20. Any person when called out by the Commander-in-Chief, as provided by the foregoing sections, who shall refuse to rendezvous or organize in person, or by a qualified substitute, shall be subject to a fine not exceeding five hundred dollars, to be recovered by an action brought by the District Attorney, upon a certificate given him by the officer to whom the order calling men into service was issued, in any court of competent jurisdiction in the county from which said person was drafted.

SEC. 21. A company shall be composed of not less than forty nor more than eighty privates, and the number of officers and musicians as required by the regular service. Battalions and regiments shall be of the same standard as established in the United States Army.

SEC. 22. All troops called into service after the passage of this act, to repel invasions, or quell insurrections, or for any other purpose requiring continued service for more than one week, shall receive the pay of the United States troops serving in California, with ten per cent. on the same added thereto.

SEC. 31. The Governor of the State shall be Commander-in-Chief of the militia.

SEC. 33. The rules of discipline for the militia of this State shall be the same at all times as those established by Congress for disciplining the regular troops of the United States.

Signed and certified by J. [illegible] DENVER,
Secretary of State.

II. The following orders have this day been received from the Commander-in-Chief, and are published in pursuance of the foregoing section 18:

EXECUTIVE DEPARTMENT,
Sacramento City, Cal., June 2, 1856.

SIR—Information having been received by me that an armed body of men is now organized in the city and county of San Francisco, in this State, in violation of law, and have resisted the due execution of the law, especially by preventing the service of a writ of habeas corpus duly issued, and is threatening other acts of violence and rebellion against the constitution and laws of this

State, you are therefore commanded to call upon such number as you may deem necessary of the enrolled militia, or those subject to military duty; also, upon all of the volunteer or independent companies of the military, within the military division under your command, to rendezvous at such time and place within the county of San Francisco as you may deem necessary and proper, to aid the civil authorities, especially the sheriff and his deputies of said county, in enforcing the laws and rendering obedience thereto, and with such forces as you may be able to command, to aid and assist the enforcement of the laws, and the service of such legal process as may be required of you, by such officers of the law as may command your aid.

In the organization and equipment of such militia force you will be governed by the law and regulations now in force.

Very respectfully your obedient servant,

J. NEELY JOHNSON,
Governor and Commander-in-Chief.

To WILLIAM T. SHERMAN,
Major-General Commanding
2d Division California Militia.

III. The officers commanding the volunteer and independent companies of this city, will proceed forthwith to fill their companies to the highest standard, and will report in person the strength and names of the members of their companies to General W. C. Kibbe, Adjutant and Quarter Master General, at Recorder's Court-room, City Hall. The companies will hold themselves prepared to assemble at such place as may hereafter be indicated. All enrolled members of these companies are hereby commanded to report to their captains, or commanding officers, who will report the names of all who refuse to obey, with such evidence of their disobedience as will bring them within the provisions of section two of the foregoing act of the legislature.

IV. All citizens of San Francisco county, between the ages of eighteen and forty-five years, not members of the regularly enrolled volunteer or fire companies of the city, or not otherwise exempt from military duty, are hereby commanded to enroll themselves into companies of from fifty to one hundred men, to elect from their own number a captain, one first lieutenant, two second lieutenants, four sergeants, and four corporals; and to agree on a place of rendezvous, in case their services are called for. The captain, or other commanding officer, will prepare a roll of the names of the members of his company and the place of rendezvous, and will deposit the same with Adjutant General Kibbe, at the Recorder's Court room, City Hall. Parties refusing to enroll themselves are brought within the provisions of Article twenty of the act beforenamed. Citizens so enrolling themselves for future call are requested not to suspend their usual business, but only to hold themselves prepared for service in case of further orders. Should they be called into the service of the State, arms and ammunition will be provided for them.

V. The Major General Commanding takes this occasion to say that the troops to be organized under this call have nothing to do with the exciting issues of the past two weeks. The only question is, shall the laws of the State of California henceforth be sustained? All violence of act or language is to be deprecated, and no force or threats must be used without my orders. The good citizens of San Francisco should reflect that we all hold our lives and property by force of law, and that a forcible resistance of the law does not end with the case in point, but may rise up against ourselves in some other and less pleasing form, and may injure our reputation in other States, where the evils we complain of are not felt. Civil war, or the array of armed citizen against citizen, is too horrible in its consequences to be spoken of, and it is to be hoped that all good citizens will forthwith return to their business, and cease any display of force or resistance to the regular operations of our courts of law.

W. T. SHERMAN,
Major-General.

The steps taken at this time by the State authorities, were not only justifiable, but necessary. The only fault was that they came too late.

It was against the evils of such an organization, that Washington wished to warn his countrymen, when he was about to retire to private life, and as his last appeal to Americans is worthy of attention, it is here appended and is commended to the notice of the reader. The Father of his Country says:

"The very idea of the power and the right of the people to establish a government pre-supposes the duty of every individual to obey the established government. All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and actions of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things, to become potent engines, by which cunning, ambitious and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying the very engines which have lifted them to unjust dominion."

CHAPTER IX.

The defection against the constituted authorities of alien Frenchmen and Englishmen — Enrollment of companies to sustain the authorities — Desertion and treason of the Volunteer Soldiery — Meeting of hostile bodies in the streets — Preparations of both bodies for civil war — The Press — The Bench and the Bar.

At the time the Governor's proclamation was issued declaring the County in a state of insurrection, the chief body upon whom this organization depended, was composed of unnaturalized Frenchmen, amounting to perhaps six hundred men. These graduates of the Boulevards displayed some of the most savage instincts and ferocious passions that ever distinguished the human species. As tigers, whose tongues once lapped the blood of their victims, become insatiate, so the rabble of the Committee who had participated in the destruction of Casey and Cora, panted for more blood. The French miscreants who murdered the lovely Princess de Lambelle — who pillaged the capital of France and, under the auspices of Robespierre, empurpled the waters of the Seine with the blood of ten thousand victims in three days — these legions of assassins may have rivalled, but they never could have surpassed the Committee of Vigilance of San Francisco. In their ranks as well as in their executive councils, who professed to represent the mass, there was a liberal infusion of French blood, in fact one entire company was composed of the "Garde Mobile," a French military corps whose mem-

bers were expatriated from France. These French refugees werenot at all behind their brethren of the last century in the demoniac *sang froid* with which they participated in the sanguinary excesses of 1856. As may be imagined, the presence of these banditti parading in the streets of an American city, commanded by French officers and marching to the beating of French drums, aroused in the breasts of American citizens, who leaned to the side of the Constitution, a feeling of deadly hate towards the French residents of the city.

The appearance of those companies and their insolent bearing, their nonchalance, and above all the eagerness with which, when they were off duty, they purchased and studied the history of the French revolution, and the narrative of the horrors detailed in these histories, increased if possible the alarm of the American citizens. Joined with them were a number of Hebrews of the lowest class, as well as a large number of inhabitants of other countries who knew little about the character of American institutions or the rights which were secured either to citizens or aliens under them.

The foreign Consuls resident at San Francisco became alarmed for the interference of the subjects of their respective countries with the institutions and government of the State, and upon the 9th day of June, 1856, at the request of Governor Johnson, a notice was given by them in the public journals warning the subjects and citizens of their respective governments from any interference with the occurrences then going forward.

In spite of such remonstrance numbers of them continued to join the revolutionary Committee.

Orders were now issued to the enrolled companies of the First Infantry Battalion, consisting of the Marion Rifles, commanded by Capt. E. Rigg; the Blues, commanded by J. J. Farran; the National Guards, commanded by Captain Pollock; the Wallace Guards, commanded by Capt. McDonald; the Sarsfield Guards, commanded by Captain R. F. Ryan; the Continentals, commanded by Captain Fenn, and the National Lancers, (a mounted company,) commanded by Captain T. Hayes,

to recruit their companies to the standard allowed by law.

The proceedings taken by the Executive of the State and the prompt action of the military in responding to the call made upon them, alarmed the Committee of Vigilance, and measures were now adopted by them to protect themselves against arrest and attack. It was evident that they were collecting arms from the various quarters of the city, and that several pieces of artillery were secured for the purpose of defence. Guns of small calibre were now planted by the members of this illegal body upon the roof of the building occupied by them. They also endeavored to seduce some of the officers and men belonging to the enrolled militia companies from their allegiance to the authorities, and did succeed to a certain extent in their design, for the Captain of the Wallace Guards, Mr. McDonald, a Scotchman, not only refused to act with the government, but surrendered up the arms of the State in his possession into the hands of the Committee, although he was under the most sacred pledge to deliver them up to the authorities. Thus was this man, an alien, not only guilty of an act of bad faith towards his superior officers, and a violation of the oath which he had taken to support the Constitution and the laws of the land, but to crown his infamy he acted as a spy upon the acts of the government forces.

The City Guards, Capt. Clarke, had previously joined the ranks of the Committee, together with the greater portion of the National Guard, with the exception of their commander, Captain Pollock, who, although left nearly alone, remained true to his oath and duty.

A sand bag fortification was next constructed around the base of the building occupied by them on Sacramento street, from the embrasures of which several pieces of cannon protruded, which had been taken from on board several ships in the harbor of San Francisco, and these were so placed as to command all the avenues leading to the place. Care was next taken by them to post sentinels in such positions as to guard the entire building and its approaches, while a large bell

was erected upon its roof for the purpose of giving the alarm, in case of danger, to the members of the Committee residing over the city.

All these preparations—which were taking place in the heart of an American city — a commercial city — in which one body of citizens stood in open hostility to another portion — were truly alarming.

The streets were continually filled with armed men, who went together in bodies perfecting themselves in discipline and drill. From every street and alley might be seen issuing men and boys passing to, or coming from, their place of rendezvous, with weapons of death in their hands or slung over their shoulders, while bitter threats, insulting language and dire imprecations would pass between citizens who happened to meet such other on the highways and thoroughfares of the city. During each succeeding day the authorities heard of additional desecrations of the houses of citizens by the emissaries of the Committee. Every step which this body advanced created fresh feelings of bitterness towards them in the minds of the friends of Constitutional order, to whom were applied the choicest epithets that the lowest blackguardism could invent. The friends of the Constitution were styled the "Law and Murder" party, &c.: villians of the darkest dye; whose souls were stained with crimes which would have consigned them (provided justice was meted out) to eternal infamy, would wilfully and deliberately insult and injure the friends of order who came within their view. But they were members of the Committee, and were therefore secure from attack.

The press in the pay of the Committee or in their interest, daily cried aloud for blood or the banishment of citizens. It vomited forth the vilest, most filthy and loathsome language. Its agents ventured into the recesses of private life — into the haunts of citizens and leveled the vilest slanders against them.

Cowards who had shrunk before this into the merited obscurity to which they were entitled, now came forth to renew their filthy trade of slander and libel, well

knowing that their hides were protected under the shield of Vigilance; for no man's life was safe who ventured to resent an insult. An appetite was thus excited for the exercise of the worst passions of man's nature, without a chance for that restraint which sober judgment interposes, and a well regulated community establishes against assaults which are against public policy as well as private rights.

The judges who sat upon the bench, and who had spent years of toil and study in the acquisition of legal knowledge, and against whom no imputation of wrong could be urged, were daily made the objects of invective in bar-rooms and public places of resort, and sometimes were declared worthy of the fate of Cora and Casey.*

The members of the bar of the city, who for learning, eloquence and integrity, were unsurpassed by those of any other city in the Union, were continually designated by the ignorant rabble who attached themselves to the ranks of the Committee, as worse than felons, and worthy of being sent out of the State.

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* "It requires no uncommon spirit of prophecy to foresee, that whenever the liberties of this country are to be distroyed, the first step in the conspiracy will be to bring Courts of Justice into odium; and by over-awing the timid, and removing the incorruptible, to break down the last barrier between the people and universal anarchy and despotism."—*Judge Story.*

CHAPTER X.

Attempt to prevent civil war — Desire of Gov. Johnson to bring about peace — Organization of additional companies to sustain the law and constituted authorities — Endeavor of a few tricksters to make political capital out of the excitement — Meeting of Sympathisers — The deserted companies — Refusal of Gen. Wool to provide arms — Capture of arms by the Vigilance Committee, and piracy committed by them — Capture of the State arms, and State militia taken prisoners.

At this juncture some citizens undertook to interpose between the authorities and the Committee, for the purpose of preventing civil strife, and the consequent effusion of blood. They waited upon the Executive of the State, J. N. Johnson, and suggested the propriety of his withdrawal of his proclamation which declared the county in a state of insurrection, at the same time alleging that they were satisfied, that the Committee would from henceforth desist from resisting the writ of "habeas corpus," or any other writs issued by the State or Federal Courts, and adding that they would not again appear in arms in the public streets. Governor Johnson seeming desirous of restoring the county to a state of quiet, met this committee in a spirit of compromise, which evinced that he did not on his part, wish to bring about a civil war, and stated to the body who were deputed to wait on him by the citizens of San Francisco county, that it was his desire that no difficulty would occur. He added, however, that it was his duty to enforce the execution of the laws, and that duty he should perform, and

if a collision occurred by which life or property was injured, upon the heads of those who disregarded the authority of the State, would fall the responsibility.

The city now displayed an unusual degree of activity; every day brought fresh recruits to the standard of the militia, several new companies had sprung into existence, and were perfecting themselves in drill, in their several places of rendezvous throughout the city. The new companies which were fast organizing for the purpose of complying with the call of the Executive of the State, were mainly composed of the intellect, intelligence and worth of the county; aged men whose locks were hoary, might be seen in the ranks with the young men of twenty-three summers. The physician and the lawyer, the mechanic and the laborer, left their homes and the bosom of their families, to acquire a knowledge of arms, and were found drilling in the ranks ready to shed their lives in defence of the Constitution and the laws which were transmitted to them as a sacred legacy by their fathers. The newly formed companies were under the direction and control of men who had heard in the tented field the clash of arms, battling for their beloved country, and they were again ready to protect the proud charter of their liberties from desecration.

The members of the Committee on their part, though more cautious in their conduct than before, boldly appeared in the public streets and thoroughfares of the city, assuming an air of determination to carry out their designs.

It was suspected at the outset of this organization, that it was a move upon the political chess-board, effected by designing politicians to secure power. It now became apparent that it was the intention of this Vigilance Committee to deprive every officer who had been previously elected within the county, of his office, and to fill the offices with their own creatures. It was even urged that this was the time to demand of Congress certain rights, or to withdraw the State from the Union; and that such rumors were true, is evident, from the fact, that it was seriously talked over in every public place,

and was afterwards proved by the subsequent acts of the Committee.

Some men are never satisfied unless they are aiding in the producing disorder and adding to and fanning the flame of popular passion, while the cunning and unscrupulous demagogue stands ever ready to assist in great popular clamors for the purpose of accomplishing his own selfish ends. This was exemplified by what took place about this time.

A meeting was called by the publication of posters over the city, to be held in front of the Oriental Hotel, at the corner of Bush and Battery streets, San Francisco, upon the 14th of June, 1856; the alleged cause and motive of which was said to be, to demand the withdrawal of Governor Johnson's proclamation, as well as to express sympathy for the Vigilance Committee. This meeting which was gotten up by a few persons accordingly met at the time agreed upon. The meeting was not as large as anticipated, and was composed of about fifteen hundred persons, the greater portion of whom were evidently drawn there for the gratification of curiosity. The real getters up of this farce were now made public; there were a few lawyers amongst the number well known for their political inconsistencies, and who were always found ready to reap advantage from public commotion. Some professional politicians who were known to make a great many summersets within their brief career, and who, after trying the whole of the parties in the field, were left without any; for the reason, that either these parties had deserted them or they had deserted the various parties. The principal orators upon the occasion were composed of men who had tried their utmost to found a sectional party, for the purpose of proscribing citizens on account of religion or birth-place, and who were still writhing under disgrace and defeat.

Notwithstanding the efforts of the haranguers, and their furious style of denunciation, they failed to conjure up enthusiasm, but their words fell like ice upon the assemblage.

At this juncture a hot-brained individual who was scarcely known except as an auctioneer, named Sharon, who was a member of a former city council of the city that was noted for its profligacy, stepped forward and moved a resolution, the purpose of which was to demand the resignation of all persons holding office in the County of San Francisco, and to pass a vote of censure upon and malign them.

One of the wire-pullers and getters up of this meeting, Balie Peyton, was holding at this time an office in the county, having obtained the resolution as chairman, for the purpose of putting it to a vote; a call was made upon him to put the question on this resolution. This he would not consent to, for it operated upon himself. The disaffected then broke up the great sympathising meeting in disorder, and it resulted in the calling of a second meeting, which terminated not only in a like failure, but in such disgraceful scenes and such infamous violations of private rights, of the right of free speech, that all future time will not obliterate the foul stain from the records of an American city, or from the memory of those who witnessed such a damning exhibition.

CHAPTER XI.

Enrolling of citizens in the Militia goes forward — Lack of arms — General Wool's conduct — Arrest of prisoners and their confinement — Writ of habeas corpus derided — The Governor's Proclamation declaring the county of San Francisco in a state of insurrection — Action of the other counties of the State in the matter — The stabbing of Hopkins and the arrest of Judge Terry — The capture of the arms of the Militia and the taking of sixty-eight of them as prisoners.

Several companies had been formed under the Governor's proclamation, and were perfecting themselves in drill; but the difficulty arose as to how they should provide themselves with arms.

Through the mistakes of men entrusted with the duty of reporting to the General Government the population subject to enrollment in the State, for the purpose of enabling the General Government to supply California with the quota of arms to which the State was in justice entitled, but few arms had been received, and a great portion of what had been received was lost; so that it became quite difficult to ascertain in what manner the deficiency could be supplied.

There might possibly be sufficient to supply four companies, but of this there was much doubt. In the city of San Francisco there was but one cavalry company, the National Lancers, which could be depended on; the balance of the mounted companies, including the First Light Dragoons, Captain Reed, and the First California Guards, Captain Johns, having joined the

Vigilance organization. The only resource left in this emergency was an application to the Federal Government to supply the necessary quantity required; for the purpose of accomplishing which, the government of the State called upon General Wool, in command of the United States forces in California, to supply the State with the amount of arms of which they were deficient. Upon consideration of the demand thus made upon him, General Wool agreed to let the Governor have such arms as he needed, and had he taken them at that time, there is no doubt but that it would have enabled him to maintain the integrity of the law, as well as the maintenance of State authority. But when, shortly afterwards, the request of the Governor was made for the delivery of the arms, General Wool at once discovered that he had no authority. By such conduct, this officer placed the State authorities in a critical position, for, depending upon the faith of his promise, the enrollment of men went on, and expenses were incurred which could have been avoided.

But the worst of this affair was, that General Wool's refusal to supply arms, added strength to the Committee of Vigilance, and made them not alone masters of the entire power of the State, but put them in a position to control its destiny. This officer not only proceeded the extremest length, but absolutely carried away from the city several pieces of artillery which he expected might have been used for the purpose of the State militia. Owing to the refusal of General Wool, the newly appointed Major-General, Sherman, under this state of affairs, sent in the following order of resignation:

TO MY FRIENDS IN CALIFORNIA.

When at Benicia, last night, I placed in the hands of Governor Johnson the resignation of the commission of Major-General under which I have been acting for some weeks. I did so for many reasons; and lest these be misunderstood by my friends, or tortured to some base purpose by an enemy, I must in justice to myself make them public.

I think I have already said and done enough to convince all that I am not an advocate of the Vigilance Committee; and

whilst I would have contributed my assistance to expel from our midst all rowdies, ballot-box stuffers and shoulder strikers, it would only be by the application of some legal mode, which I believe does exist, and not by resorting to the organization of a committee, which in the enforcement of its decrees has been compelled to resist the authority of the sworn officers of the law.

When, however, the Vigilance Committee had become installed in power, and I had received the orders of the Governor to organize the militia to aid the Sheriff in the execution of his duty, I did my best to influence and command all good citizens to enroll themselves into companies, promising when a sufficient number were enlisted, provided the necessity still continued, to arm, equip and muster them into the service of the State. I based my promise of arming the enrolled militia on a verbal assurance given to Governor Johnson by General Wool in my presence, to issue from the United States Arsenal, on a proper requisition, such arms and munitions of war as the emergency might call for. It is now no longer a secret that when the written requisition was made, General Wool had changed his mind, and had discovered that he had not the legal power to grant the request.

I have at all times endeavored to calm the public excitement, giving orders that no men enrolled in the service of the State should exhibit themselves on the streets, and cautioned the more zealous to refrain from using exciting language within the hearing of others; and, in the full belief that some peaceful solution would present itself for the complicated state of affairs, I have counseled moderation and forbearance; for, knowing that the Vigilance Committee would themselves see that their organization must come to an end, I believed that they would discover that the sooner they surrendered their power, the easier it would be of accomplishment. But I was forced to conclude that these moderate counsels did not coincide with the views of Governor Johnson, and, in justice to him, I felt bound to afford him the opportunity to select some representative here whose ideas were more consonant with his own. At the same time I must bear testimony to the high and chivalrous sense of duty which has actuated the Governor in all my intercourse with him.

I trust the Vigilance Committee will disband absolutely and in fact; that they will forego all quibbles and pride, and submit to the law, making such reasonable concessions as are demanded by the Governor in his proclamation. Such a step would reflect high credit on these gentlemen; would at once restore peace and quiet, and relieve all minds of the fears and apprehensions that cannot be concealed.

W. T. SHERMAN.

JUNE 9, 1856.

In his stead, the Commander-in-Chief appointed Volney E. Howard, a distinguished lawyer and gentleman, a man of military skill and great intelligence.

This officer entered upon the discharge of his duty with zeal and judgment, but soon discovered himself beset on every side with difficulties which it was impossible to overcome. There was no money appropriated for the purpose of maintaining a military force, and no loan could be effected for this purpose, and although there was money in the State treasury, yet the Governor felt timid in converting it to the use of the militia.

Thus circumstanced, the men who had pledged themselves to maintain the constitution and the laws, the most of whom belonged to the working classes of society, were forced to perform military duty, day by day, and week by week, without any provision being made for their compensation or sustenance.

The enrolled companies of militia which had been organized in the county of San Francisco in response to the call of the Executive, consisted of the Blues, Captain Farren; the Marion Rifles, Captain Riggs; the Wallace Guards, Captain Monroe; the Sarsfield Guards, Captain Ryan; the Continentals, Captain Fenn; the Jefferson Guards, Captain Hanna; the Jackson Guards, Captain O'Regan; the Hayes Guards, Captain Jack Hayes, (Texan Ranger;) the Union Rifles, Captain Herbert; Captain Ashe's company, Captain Benham's company, Captain J. A. Monroe's company, and a company of artillery which had recently been formed. This body of troops, amounting to one thousand men, if properly armed and equipped, would have been sufficient to disarm and punish the committee, and to restore the reign of order to society. Several of the other counties of the State, likewise exhibited a deal of activity in responding to the call of the Executive.

The Tuolumne Battalion was rapidly filling up its ranks to the standard, while General Sutter and Brigadier General Dobbin, of the Fifth Division of the State Militia, were active in enrolling companies. The Sutter Rifles, in Sacramento — a splendid company of men — stood ready to render assistance in maintaining the laws. Large meetings were held in the various

places of the county of Tuolumne, at which numbers of citizens assembled and drafted an address upon the alarming condition of affairs in the insurrectionary county, which was shortly afterwards published. It contained an appeal to the duty of all men interested in the welfare of the State, and a portion of it is so interesting that it is here appended:

We appeal to the men who have flown to this land of the free from the Emerald Isle — from sunny and gallant France — from the banks of the Rhine — who have sworn before Almighty God that they would protect the Constitution of these United States and of the State of California — who have pledged themselves on the Holy Evangelists that when the stars and stripes were unfurled — whether against foreign foes or domestic traitors — they would stand under it and by it. We call upon Catholics to come forth and meet the charge that the institutions of the land were in danger from them. We call upon all ministers of the Gospel to speak out that Christianity which teaches that when men are assembled together to wreak sudden, ill-advised, violent and bloody vengeance, even upon the guilty, no God is there — which teaches that obedience to the sacredness and supremacy of the laws is obedience to one of the plainest and most imperative precepts of their Master. That the spirit of reform which must blacken this green earth in its course, turn brotherly love into gall, and sow its fire brands of private and national discord among the people, "wears not the livery of Heaven." That the reform started by and breathing around their meek and holy teacher was like charity, calm as a Sabbath's dawn, beginning at home, yet enclasping a world in its embrace.

Let us not deceive ourselves. We all love California. We wish to restore peace, propriety, good order, dignity, security and happiness to her, and shall we seek all these in a revolutionary spirit, in anarchy, in that which is the death knell to both moral and political order. California is full of life and vigor. She possesses all the elements of a perfect social and political organization. She has citizens educated, enlightened, respected — already accustomed to manage the business of their country, or prepared to undertake it. Her soil is covered with a young, industrious, enterprising and intelligent population. There are thousands of loyal and manly hearts here in which the flame of patriotism burns bright and pure as a vestal fire, and which, like the Roman Senate, when Hannibal was marching upon the capital, are ready to swear that they will never despair of the Republic. Shall we, then, with all her capacity and power for good, give her up to the passions of the wicked, the extravagances of the mad, the weaknesses of the good, to revolution and civil war? Shall such be her fate? Shall such be the closing scene in her short but brilliant and glorious career, bedimmed with a few dark stains,

like spots upon the sun? Are you willing that she should be the first star erased from that flag which now floats in every breeze, and is honored in every land? The spirits of those whose memories have hallowed and blessed a day that is now near at hand, speak from out their proud graves and answer for you, NO!— "If you have nature in you, bear it not."

Awake, then, from your fatal dream of security. We want no violence, no fraternal strife, no bloodshed. We are willing to "let the dead Past bury its dead." But we implore you, "in sorrow, not in anger," to rise up in the strength of united action against this disorganizing heresy — purify the State from this Genius of Anarchy and Discord — burn it out in the hot blaze of an honest and universal indignation. Assemble in your hamlets, your camps and villages, and let the voice of reason and patriotism, boldly, plainly, in tones that cannot be mistaken, say to this monster that is fast winding its coils around us, "*Hold, enough!*"

The people of Sonoma and San Joaquin were also moving against the committee, as well as several other counties of the State.

The events which unfortunately took place on Monday, the 21st of June, struck a fatal blow at the government forces, and established the committee in the full tide of undisputed power.

It had been determined by Major General Howard to dispose of the troops by concentrating them in garrison, upon an elevated position near the city, from which the city as well as the bay, could have been commanded: to throw up entrenchments for the purpose of securing the proposed garrison against attack as well as to place a number of pieces of artillery in battery thereon. Could this have been effected, no doubt the forces of the committee would have been obliged to surrender and to yield obedience to the constituted authorities; besides, the moral effects of such a triumph would have prevented future attempts at lawlessness.

It appears that upon the 19th of June, three persons who were members and officers of Captain Ashe's company, men were out by order of the authorities to Benicia, for the purpose of superintending the removal of a quantity of muskets to the city of San Francisco. The Vigilance Committee having obtained some knowledge of the fact, sent a party of men up the bay of San Francisco, to make a piratical assault upon the vessel

and seize the arms. The name of the sloop could not be ascertained. The party sent out upon this piratical expedition succeeded, and being much larger in number, and fully equipped, were permitted to overhaul the sloop. They took out the arms and arrested Mr. Maloney and Mr. Phillips. Subsequently, however, they discharged these gentlemen; the arms were removed to this city. When a statement of what had transpired was laid before the committee, it was determined to re-arrest Maloney and Phillips. An act of piracy had been committed — a sloop containing the arms of the State had been overhauled — the arms were forcibly removed — and the witnesses of these high handed proceedings were Messrs. Maloney and Phillips. A serious act had been performed, and serious consequences might ensue. Hence the necessity to obtain possession of the persons of those who witnessed the proceedings. The Executive Committee directed Sterling G. Hopkins, their "chief of police," to make the arrests. In pursuit of his object, upon the 21st June, this man ascertained that R Maloney was in Captain R. P Ashe's office, whither he had gone to report to his superior officer the occurrences of the previous day. While giving his report, the Vigilant detectives entered the room to make the arrest. David S. Terry, Associate Justice of the Supreme Court, happened, by chance, to be seated in the room when they entered. Having listened to their demand for Maloney, Judge Terry informed the men that he was a peace officer, and forbade them to make any arrest in his presence. The men, abashed by the calm but dignified bearing of the Judge, withdrew; not, however, without signifying their determination to take Maloney. The latter was a member of Captain Ashe's company, and this officer, to prevent his arrest, immediately ordered him and the gentlemen present, among whom were Judge Terry, Mr. Bowie, Mr. Rowe, and Lieutenant NcNabb, to go the armory of the Blues, on the corner of Dupont and Jackson streets. They obeyed the order, several of the party being armed with guns, and were followed by the delegation of the Vigi-

lance Committee who had previously made the attempt to arrest Mr. Maloney, and whose number had been increased by this time to about twenty men. When Captain Ashe's party had arrived at the corner of the alley on Jackson street, a short distance above the Pennsylvania engine house, they were assaulted by the "bold Vigilance boys," and an attempt made to arrest Mr. Maloney. Judge Terry told them he was an officer of the law and they had no right to arrest any one save by a legal process. Hopkins told Judge Terry he would arrest him, too, if he interfered, and at the same moment seized the gun in the hands of the Judge and attempted to take it out of his possession. A struggle ensued for the gun, when Hopkins drew his pistol on the Judge and attempted to shoot him, whereupon he drew a knife and cut Hopkins in the back of the neck about four inches from the left ear. All this time the companions of Hopkins held drawn pistols on the Judge, and were only deterred from shooting by the determined attitude of Captain Ashe and his companions. During the scuffle for the gun a pistol was discharged by a member of the Vigilance Committee, intended for Judge Terry, which came very near striking officer Nugent, who was trying to separate the parties. After Hopkins received the blow he dropped his pistol and hurried down Jackson street to the Pennsylvania engine house, where several gentlemen were promptly in attendance and dressed his wound. He bled very profusely, but the wound was not of a serious nature.

CHAPTER XII.

Excitement caused by the stabbing of Hopkins — Rallying of the Committee, and capture of the State Armories — Arrest of Judge Terry and R. Maloney by the Committee — Taking the State Militia prisoners — Seizure of State arms.

The news of the occurrence spread around the vicinity of the place, and caused an excitement such as is rarely witnessed in civilized communities. Men rushed madly in every direction for the purpose of watching the progress of this fresh cause of excitement. The news had reached the Committee of Vigilance that one of their members had been stabbed, while in the mean time the armory of the Marion Rifles and that of the Blues, were surrounded by armed members of the Committee for the purpose of preventing any person from entering the same. While these incidents were taking place at the scene of the recent conflict, the alarm was sounded by the bell upon the Vigilance Committee fortress; instantly hundreds flocked to the rooms, and shortly emerged therefrom with white badges in the button-hole of the left lappel of the coat, with arms locked, they marched up Sacramento to Montgomery street, through Montgomery to Washington street, and halted at Palmer, Cook & Co.'s, on the Plaza, in which Judge Terry was supposed to have taken refuge. The doors of the bank had been closed to prevent pillage, but the deputation of the Vigilance Committee were permitted to enter and establish a blockade — so strict, indeed, that a lady was repulsed by them — persistantly repulsed, though the

blindest worshipper of the "hog's eye" could see that she had neither cannon nor mortar, condemned musket nor Sharp's rifle;—yet they repulsed her, and even refused to convey a message to the person within.

As it was soon rumored that Judge Terry had taken refuge from the mob in the Jackson Street Armory, in charge of a Captain of Police, thither a deputation of bayonet-carriers proceeded, and took possession of the approaches to the building. The shutters had been closed, and the building put in the best possible condition for defence against the mob. Gen. Howard, commanding this Division, was discerned by one of the occupants of the building — Dr. Ashe — and from the window was informed as to the condition of the beleagured party. His answer was, "to stand to their position until further orders were transmitted."

The Executive Committee announced their presence on Dupont street by tapping at the door, and requesting the inmates to communicate immediately, in writing, and briefly, whatever they wished to make known to that body. The answer could not have been favorable to the views of that body, for they were not admitted, and no person emerged. In the meantime bodies of armed men were constantly arriving, and this fact appeared to give intense satisfaction to a valorous and profane gentleman on horseback, who ordered the crowd to "Leave the street, God d–n your souls!" One person was furiously thrust at by one of the bayonet-carriers, whose murderous design was frustrated by one of his comrades. In half an hour from the time the first alarm was carried to the Star Chamber, an indefinite quantity of automatons with matchlocks were on the march. Several companies of musketeers hastened to the Armory of the Blues, accompanied by detachments of the Light Brigade and an Artillery Company with two field-pieces. They surrounded the building with all the stern formality of a siege. There were sixteen determined men inside the Armory, who were willing to fight to the death, but Judge Terry said no man's life should be sacrificed on his account.

When the Vigilance Committee had formed about the building, a knock came to the door. Captain Ashe and Lieutenant Reese asked what was wanted. To this a written reply was received from the Vigilance Committee, as follows:

CORNER DUPONT AND JACKSON STREETS,
San Francisco, June 21, 1856.

R. P. ASHE AND J. MARTIN REESE, Commanding:—

Gentlemen—We have to say, in reply to your communication of this date, that if Judge Terry, S. R. Maloney, and John Phillips, together with arms and ammunition in your possession, be surrendered to the charge of our body, we will give you and the building which you are in, "protection from Vigilance."

Yours,

By order of the Executive Committee, of which we are members. No. 12, 13, 50, 645, 332.

An answer in fifteen minutes—it being now ten minutes past four o'clock.

To this a reply was returned to the effect that they would give up Judge Terry and Reuben Maloney. That John Phillips was not in the Armony, and that they wished Judge Terry and Reuben Maloney should be protected from the violence of any outside parties; that they be treated as gentlemen, and that they would turn over their arms, accoutrements and side-arms. This communication was subscribed by R. P. Ashe, Captain Company A, and J. Martin Reese, First Lieutenant of Company B, San Francisco Blues.

To this the Vigilance Committee replied:

JUNE 21, 1856.

R. P. ASHE AND J. MARTIN REESE, Commanding:—

We agree to protect Judge Terry and S. R. Maloney from violence from parties outside of our organization, as proposed, and beg leave to remind you that the time proposed in our last note has already expired.

By order of Executive Committee, of which we are members, No. 12, 13, 50, 332, 645.

There was no seal or name attached to these notes. At half-past four o'clock Judge Terry and Mr. Maloney came out of the Armory and each entered a hack, two of which were in readiness to receive them, and were accompanied by members of the Committee. The arms belonging to the State were then piled on three drays,

and the military companies formed into line and marched through the principal streets with the prisoners to their headquarters on Sacramento street.

The members of the Marion Rifles present when the capitulation was made, Dr. Ashe, Naval Agent, and Mr. Hamilton Bowie — sixteen in all — were kept as prisoners of war. They were afterwards removed to the rooms of the Vigilance Committee.

The Armory occupied by the Government forces, at the corner of Kearny and Clay streets, was next invested by a large body of the Committee, who lined the streets in the front and rear of the building. All the approaches to it were now secured and guarded, and every preparation was made to ensure success. The military forces of the government were scattered over the city, and the armories in which they met were guarded by a few sentinels, who were placed on duty. No positive orders had been given the various military companies in reference to their joint action in case of an emergency, and when there arose an emergency they could be rendered powerless.

When the news had spread over the city of the seizure of the armory and arms at the corner of Dupont and Jackson streets, some of the members of the various companies rapidly collected at the armory upon the corner of Clay and Kearny streets, which place they had reached before its investiture by the troops of the Committee, and here they prepared themselves as best they could for an attack, if an attack should be made upon them.

General Howard was now seen crossing the Plaza, where the military force of the Committee numbering about fifteen hundred men were assembled, independent of the vast crowd who came there to look on at the occurrences. A rush was made for the arrest of the General. The timely interference of his friends, however, prevented this, and he made his way as best he could to the invested armory at the corner of Clay and Kearny streets. Inside the building there were portions of the Jackson Guards, the Union Rifles, and the Continentals,

numbering about sixty-eight men. They were drawn up in preparation for an attack, were inspected by Gen. Howard, who upon leaving the armony, gave instructions to Col. West, who was in command of the troops inside, not to order his men to fire except in case of an attack.

Lieut. Col. West in the meantime had disposed the forces in the armory to the best possible advantage.

It was known that the principal point of attack, from its assailability, was the entrance on Kearny street, which was easily accessible. Opposite to this the forces of the Committee had planted a piece of ordnance. The entrance to the armory was now closed, and sentries were stationed in the passage to defend it. In case of necessity, it was presumed that the government forces could make a sortie from this door-way, and take the heavy gun planted in front of the door-way by the Vigilantes. The beseiged troops were awaiting the assault of the Committee, when they received an order from the commanding General on the outside, not to fire on the Committee until they received the word. During this critical period the men maintained a steady and determined attitude, apparently determined to sell their lives as dearly as possible. Had they received the order to fire, no doubt terrible havoc would have been made in the ranks of the Committee, but such a course of proceeding would have eventually resulted in the massacre of every man in the building: the odds being from 1,500 to 2,000 men with artillery, against 68 men who possessed only four rounds of cartridges to each man.

In a short time after the investiture of the armory, a rumor was conveyed to the Colonel in command, that Gen. Howard had determined to surrender. Col. West wishing to ascertain the facts, sent Capt. Ryan to seek Gen. Howard, and receive from him a written order as to the course which he had determined to pursue. Capt. Ryan, on his return, could not obtain admittance to the armory. In the meantime, Gen. Howard sent a written order to Col. West to surrender. Col. West drew up the men, and communicated to them the order.

It was with great reluctance that the men would consent to this course.

As soon as the determination on the part of the government to surrender its forces was made known, about four hundred members of the Committee entered the building, and having filed around the place, remained there during the time the arms were being surrendered. The members of the various military companies obeyed the command to surrender given them by their superior officer, at the same time giving three loud cheers for their Lieutenant Colonel West, and followed up their cheers by three groans for the violators of the Constitution and laws. This action on the part of the volunteer soldiery so enraged the members of the Committee that it was well nigh resulting in violence. The officers of the various military companies, were now told that they could keep their side arms, which they refused to do.

The arms were then passed out, and the men returned to the Armory. General Doane (of the Vigilant forces) entered with his aids. After the lapse of about an hour, the militia were again drawn up around the Armory, and were informed that if they took an oath on the Evangelists and by the Virgin Mary not to bear arms against the Vigilance Committee or the people of this city they would be discharged; if they did not, they were to be banished. Col. West inquired if it was desired that he should put this oath to the men. On being informed in the affirmative, he read the oath, and asked the men if any of them would take it. A dead silence prevailed along the ranks, and the moment he got through reading, all answered as one man, "No."

The officers of the captured companies were now released upon their parole. Some of their number refused, however, to accept such conditions, and declared their intention of remaining prisoners with their men. About the hour of 11 o'clock, P. M., the prisoners were ordered out of their armory into position in line, and were surrounded by a body of infantry who formed a square of four deep, supported by cavalry. When all the prisoners had been brought out of the armory the square was

closed, the order of march given, and the line of march was taken by them for the rendezvous of the Committee. While they marched through the streets a dead silence was observed. It was a sad sight in a free republican city, to see men marched through the streets as prisoners of war, whose only crime was fealty to the laws and the Constitution which they had sworn to uphold. Having arrived at Fort Vigilance, the prisoners were ordered to halt; they were next passed through a body of about two hundred armed men, who were in waiting to receive them. Upon reaching the head of the stairs of the fortress they were met by two men who examined them as to whether they possessed arms; they were treated by the rabble of the Committee with the choicest epithets, amongst others, they were styled a set of Irish blackguards and murderers.

The Committee having secured the companies which were found in the Clay street armory, now proceeded to examine the others over the city, but without any result. In their search for arms they discovered that one hundred and fifty muskets, the property of the State, were *en route* for the State prison at San Quentin. Twelve members of the Committee embarked in a small sloop which they had secured, and having found what they were in search of they returned to the city.

Meanwhile the captured militia were ignominiously hand-cuffed by twos with their officers, and were huddled together for the night in a small room on the floor of which they rested, chained like felons, and subjected to such indignity that the annals of history can find no parallel to.

At the time of the surrender of the California Exchange Armory, there were in the building, three officers of Company C, and 27 non-commissioned officers and privates; three officers of Company E, and 24 non-commissioned officers and privates; three officers of Company G, and 13 non-commissioned officers and privates. Total in command of Col. West, 74. Each man

had three rounds of cartridges, and there was no artillery in the armory. The Vigilance Committee conveyed from this Armory 84 muskets and 36 rifles; from the Armory at the corner of Jackson and Dupont, 46 muskets, 56 rifles and two carbines and accoutrements, then in charge of the San Francisco Blues, and Marion Rifles

CHAPTER XIII.

Outrageous acts of intolerance of the Committee — Reflections upon their conduct — Peculiar hostility to the naturalised citizens of Irish birth.

The Committee had now become not only masters of the county, but of the State, and exercised the entire political and judicial power over at least one of its counties. Step by step did they advance in their criminal designs, until they had exhausted the entire of the criminal calendar, from breaking a prison to murder, from murder to treason, from assuming to punish violations of the law to becoming themselves the most lawless band of wild enthusiasts that it was possible to conceive of. Not content with making prisoners of the men who had so nobly sustained the constitution and the laws of the land, and of robbing them of the arms which they had in their hands for that purpose, they determined to insult them by proposing that they should take an oath, redolent with bigotry and intolerance, and of such an infamous nature, that time or age can never wipe out the foul blot which it will affix to their memory and that of their children.

The odium of such a bigoted and intolerant course towards men who were prisoners in their hands, caused a feeling of disgust in the public mind. The committee attempted to deny it, upon which the following card, signed by some of the men arrested, appeared in the papers of the city, which, not having been contradicted, must remain as authentic, and becomes a matter of history:

In consequence of a falsehood which appeared in a morning paper on the 23d instant, under the head of "Important Events

in this City," and purporting to be "an authentic version," we, the liberated prisoners of the Jackson Guards, Company C, deny that we either directly or indirectly "denied all intention of again participating in the movements of the law and order party, and that we were very complimentary to the committee with respect to 'our' treatment while in their bastile.'" Neither have we collectively or individually spoken of the "entire futility of any force the law and order party could raise," to cope with the Vigilance Committee.

It is true, that Mr. Smiley, of the committee, did repeat a sort of advice, or lecture, which we then and now disregard — in substance — that if we were again found taking up arms against the committee, we would meet with the severest punishment. Before we responded to the Governor's call, we understood our duty and our calling; we took an oath to support and defend the constitution and laws of this State, and of the United States, and to obey the President of the United States, the Governor of this State and our superior officers. We still adhere to that oath, and when ordered, we will obey to the best of our ability. We would also state, that on Saturday, June 21st, before we were marched off as prisoners of war, we were asked — as a condition of our liberty — to take an oath, composed of sectarian insolence and intended to wound religious feelings, not to bear arms again against the Vigilance Committee. We unanimously and indignantly declined to do so.

The following is the oath the Vigilance Committee required the State militia to take in their armory, corner of Clay and Kearny streets, June 21st, before marching them to Fort Vigilance, where they were placed in irons as prisoners of war:

"I do solemnly promise and swear, in the presence of Almighty God and these witnesses present — by the hope of a future state — by the blessed Virgin Mary and all the Saints in the calendar, that I will not bear arms against the Vigilance Committee of San Francisco. So help me God and the blessed Virgin."

A person then addressed us and said: "In consideration of your taking this oath, we will liberate you; if you do not take it, you will be imprisoned; and if you take it and break it, you will be liable to immediate death."

Captain D. O'Reagan,	P. O'Reagan,
P. Murphy,	John Kelly,
E. Slaine,	Edw. Durham,
Thos. Casey,	P. Burns,
John Dorney,	E. O'Callagan,
John Bolan,	Robert Dolan,
Hugh Flynn,	M. M'Laughlin,
Bernard Keegan,	P. Nooman,
J. J. Burns,	E. Fanning,
P. O'Brian,	Thos. Kiernan,
J. McMahon,	—— Connelly.

It had been well known that the great body of citizens of Irish origin had abstained from joining in the opposition to the constitution and the laws, and had not taken up arms with the fiery zealots who were so suddenly transformed from bankrupt shop-keepers, and men-milliners, into moral reformers, for the purpose of deposing authority; while on the other hand, a large number of their adherents consisted of the English, Scotch, French and German residents of the county. How this course should have been adopted by them is extraordinary.

From the events which had taken place by the revolters against the constitution and the laws, it is proper and necessary for all good naturalized citizens to see the position in which they stood, who engaged in that movement, and also those who hesitated to commit a most grievous offence against their oath and good citizenship. There are none in this free Republic who should be more prompt to foster and encourage an obedience to the constitution and the law of the land than the naturalized citizens. None who should be more active in the endeavor to suppress disorder and resistance to legitimate authority. None who should more willingly resist the creation of a despotism.

The citizen by birth is supposed to be willing and able, and patriotic enough, to do this, without any other qualification than the reason, that it is his birth-right to do so. The citizen by adoption is bound by a solemn oath before he is invested with the rights and duties of citizenship to maintain the constitution and the law of the land; and this is not all, he is required to produce two competent citizens of the Republic to give evidence of the fact of his moral character. Having passed this *rubicon*, he is installed in all the rights and privileges of a freeman, and with such freedom as no monarch ever possessed, for the security of those inalienable rights, life, liberty and the pursuit of happiness. It is only by contrasting his condition in this Republic with that in the country from whence he came, that he is conscious of the benefits resulting from his change.

Is he a native of the British Islands? why then he will find that at home he was divested of the right of suffrage if he did not possess property; an hereditary aristocracy stood before the path of his progress to positions of trust and profit. Everything that he could hear, see, smell or taste — life, heat and locomotion, were taxed to their utmost tension to support a pampered nobility. If he was a dissenter, a state church in which he never worshipped claimed the tenth part of his substance for the purpose of its support. The poor man was a slave to the rich, and himself and children were obliged to eke out a pittance which barely sustained life. A standing army and a huge navy, were kept up at his expense, for the purpose of suppressing the voice of public right, in whose affairs none but the rich and well born had any right or prerogative.

Is he a native of France? then he will find that in the rapid changes of government, (from limited to absolute monarchy — from the Republic to the Empire,) which his native land undergoes, there is very little security or safety for either life, liberty or property, and that from its density of population, the chances of receiving a subsistence — not a competency — is beyond his veriest hopes.

Is he a native of Prussia, Denmark or Norway? then he finds himself under a military despotism, the vassal of either a petty prince or a mawkish monarch.

Is he a native of Russia? then he is under a despot's will, and is the chattel of some noble; so that wherever he turns over the European continent, either despotism, barbarism, poverty, spoliation or wrong, stares him in the face and renders his condition unhappy.

Not so in his new home; he is welcomed into the fraternity of freemen. The flag of his adopted country, with its ample folds, protects him from injury.

The fee of a rich and fruitful soil is tendered him, without price or reward, as an incentive to his industry and exertion. The varied avenues of trade, commerce, literature and art, are open to his exertion. Is he good, learned and ambitious? the pulpit, the bar, the bench,

the Senate, House, alike invite him as a fellow-worker in the path which he carves out for himself. Be he poor and humble to-day, no haughty power can strive against his upward toiling, and to-morrow he may rejoice in having, by honest exertion in the path of duty, climbed to the highest point of his ambition.

He goes up to the ballot-box — be he a digger of ditches — with as firm and resolute a step as the millionaire, to cast his ballot for those who shall act as the public servants to carry out and administer the government. No straight jacket is put upon his conscience, but he is left to worship God as he pleases with none to make him afraid. He lives under a Constitution embodying all the rights and prerogatives which a freeman should possess, and which was wrested through a bloody conflict from the tyrants from whom he had escaped. The schools and colleges of the country open their portals to his children and invite them to drink of the well-spring of knowledge. With honest exertion for a few years, he can not alone possess a competency, but a fortune. He is not only the citizen, but the soldier — the freeman, but the sovereign. To enjoy all these things, all that he is asked to do is, to comport himself with the walk and bearing of an honest man; to maintain respect for the Constitution, and obedience to the laws. When he fails to do this, and tramples under foot the Constitution and the law, he is nothing better than a traitor and perjurer, and no doubt, forfeits the right of citizenship, and if his guilty conscience does not accuse him as a villain, it is because he is steel against accusation.

But when aliens, who possess all the advantages of a country, its soil, art, commerce, literature — who come to heap up wealth, and win rich treasures from this golden State, undertake to set aside the Constitution and the law, and trample under foot the sacred rights of freemen, when they are merely here by sufferance, it is an assumption not to be brooked. When they hand out subscriptions by thousands of dollars to resist authority and the authority of laws, it is high time to

check their damning purpose. When they hire a standing army to muzzle the press and with the intent to murder and slay our people, it is high time to say that treason! treason! treason, stalks abroad.

But thank God that there were but few citizens by adoption who counseled such a bloody design, such a treasonable purpose; they were true to their oath and their duty, and no tear of regret will ever drop from their eyelids for their conduct.

There can be no doubt that the motive which induced the Vigilance Committee to make the demand upon the prisoners surrendered into their hands at the Clay street armory, was that they were mainly composed of Irish born citizens, and of course, their religious belief was suspected to be Catholic. What other motive could have induced such an outrage? For they who proposed such an oath had no more the power to administer it than the men to whom they had proposed it would have been bound to respect it.

The fortress of the Vigilance Committee was now well filled with prisoners. Upon Sunday, the 22d of June, a proposition was made to release the men who were captured in the several armories, but before this was done, they were subjected to a more degrading humiliation than that narrated in the foregoing pages. They were formed in lines inside the Vigilance Committee-rooms, where they were informed that they would be released. They were then told that if they should ever be found in arms, acting against the Committee and the good order of the community, they might expect the infliction of due punishment. They were then, with the exception, as is said, of one Lieutenant Kennovan, and one Corporal Tice, who were retained, marched out in squads of four, through a file of Vigilant soldiers, reaching to Battery street, and dismissed.

There was at this time confined in the dungeon of the Inquisition a man named White, who was captured at the same time as Judge Terry, and held as a prisoner of war. He was detained while other prisoners were

promptly discharged. Of the charge against him we are ignorant. He was subject to a rush of blood to the head, and the mental excitement consequent upon his incarceration may have resulted in death. His old father made application to see his son, but was denied.

CHAPTER XIV.

The effect of the revolt upon the business of the City — The National Anniversary passed unnoticed — Effort to have a Convention to change the State Constitution — Public meeting to call upon the officers of the County to resign — Their refusal — An attempt to suppress the right of free speech.

The events of the two months just passed exerted a most calamitous effect upon the business of the city, as well as upon the social character of its citizens. It interrupted all that friendly intercourse which is so necessary to the existence of society, and severed almost forever the kindly ties which bound men together in the social compact.

It was quite natural that such a consequence should have followed the course of this illegal organization, whose members aimed with such directness at the vitality of the Constitution, that it was impossible to take a position of neutrality, to take sides for the Constitution and the law, or against it. The fact that such an issue had been made, left the only alternative to the government of the State, to put down the treason against its authority by force of arms, or to witness the extinction of its power. Men, therefore, who appreciated Constitutional government, were forced to withhold themselves from social intercourse with those whom they looked upon as traitors. The Fourth of July, a day consecrated by hallowed recollections, arrived, and yet no preparation was made for its observance. The waves of human passion had expended their fury in

dashing against the temple which enclosed the Constitution — the national flag had been dishonored — the sacred rights of life and liberty were trodden under foot, and it was therefore natural that the day which heralded to the world the acknowledgment of those rights, should be celebrated as a day of mourning and of gloom.

The Committee, among other projects, had meditated an attempt to consummate the revolution by holding a State Constitutional Convention on the Fourth of July and adopting a new Constitution to suit their views. The design was boldly published in their newspaper organ, but it was received by the people of the State with ominous silence. No favorable response came to the ears of the Committee, and they hastily abandoned the effort. They decided to confine their revolutionary proceedings to the city and county of San Francisco; and with the view of deposing the municipal government, they addressed letters to all the city and county officers, inviting them to resign, and intimating to them that committees would call upon them to receive their replies. Impressed with the belief that these proceedings would be sanctioned by the public, the agents of the Committee issued a call for a public meeting at which the reports of the sub-committees appointed to recieve the replies of the municipal officers should be made. It should be stated here that the officers generally refused to comply with the request of the Committee.

The evening of the 16th of July, A. D. 1856, was the time appointed by the agents of the Committee to hold a meeting for the purpose of obtaining the answers of the officials. It was largely attended, and threatened to be stormy in its aspect. There was no doubt left in the minds of the community that if the officials of the county refused to surrender up their trusts, it was the intention to evict them by force from their positions, and the sequel shows that this was their settled purpose, which was however counteracted by the stern determination of the officers who refused to comply with the request of the new magnates. A resolution was put to the meet-

ing by an individual who was amongst the speakers upon this occasion.

The mass of human beings in the street were divided as to how they should vote on the resolution: there seemed to be as many ayes as there were nays upon the occasion. To be thus frustrated in their cherished object would not answer the purpose of those aspirants for public honors. Accordingly the myrmidons of the Committee, at the instance of a man named Osborne, rushed on from fifteen to twenty persons who could not be forced to coincide with the objects of the meeting, and who had expressed their dissent therefrom, arrested and conveyed them to their fortification, where they were kept in irons; some were afterwards doomed to banishment by the Committee for expressing their opinions at a public meeting. The sentences of banishment were however subsequently revoked, but for forty-eight hours after the occurrences the prisoners were kept in confinement for having been guilty of using the freedom of speech, which was guarantied to them by the Constitution.

This was not the first attempt of the revolutionary Committee to interrupt the freedom of public discussion—it was not the first time they invaded the sanctuary of public meetings and attempted to dissolve them by a display of their overshadowing power. On a previous occasion at the meeting of the friends of the Constitution in the plaza, they were guilty of the very acts charged upon their opponents at the meeting above described. At the meeting of the friends of the Constitution, the speakers were annoyed by the yelling, hooting, and ruffian-like conduct of the Vigilance members, who hung upon its outskirts for the purpose of disorganizing the meeting. The national flag, under which they met, was not exempt from insult. Thus it would appear that while those men undertook to cleanse the Augean stables, there was so much filth in their own mongrel organization, that they were forced from time to time to expel large numbers of persons from amongst them.

The effort of the Committee to intimidate the municipal officers resulted in a signal failure. They per-

emptorily refused (with two exceptions) to submit to the mandate of the sovereign Committee, and resign a trust which had been previously confided to them by the people. If the Committee had persevered and persisted in their original design to eject these officers with the strong arm of physical power, the results would have if possible, aggravated the afflictions beneath which the city was languishing. The intelligent reader will readily perceive that the duties of a sheriff cannot be devolved upon any substitute, except the officer designated by law. If the sheriff or any other officer had been deposed by the Committee, the acts of his successor would have been void, and would have produced interminable evils to the body politic. The act indeed would have consummated the revolution. But the Committee hesitated and faltered; with them delay was death, and their indecision was a premonition of their dissolution. Could they have succeeded in creating a vacancy in the office of sheriff, they flattered themselves that they would be shielded from that retributive vengeance which they so eminently deserved.

On the 21st day of July, there were said to be fifteen persons in the Vigilance fortress; and the Committee came to the determination to expatriate some of them. For this purpose a guard was mustered at their rooms, and five persons named James Burke, Wm. L. Chrysler, Krapt, James White and Wm. F. McLean, were taken therefrom, and escorted by a guard to the wharf, where a ship was in waiting to receive them. They were accordingly put on board and sent out of the State. One of the banished men, Chrysler, had been a prominent member of the Committee, and had done them some service in their organization. The agents of the Committee were also active in their pursuit of Edward McGowan, who was charged by the Committee as an accessory to the killing of King. He was pursued with the spirit of a blood-hound, and if caught would have forfeited his life, but he evaded his pursuers, and through the influence of Dr. Den and Capt. Tom Moore, of Santa Barbara, who secreted him, he was saved from their fury.

As an evidence of the manner in which the public press acted in this tragic season, in reference to the men whom the Committee had captured, the following paragraph taken from the *Evening Bulletin* of this date, exhibits how the appetite for blood was created:

"It is necessary for the public safety, Terry, Howard, and the other leaders of the law and murder faction, *must be hung*—and that WITHOUT DELAY."

Here is another choice extract of the same date, from the *True Californian*:

"In speaking of Judge Terry, 'his fate depends entirely upon the magnitude of the crime he has committed, and the assessment of the penalty by the tribunal which is to try him. No earthly power can prevent the execution of that penalty when once pronounced. Not even a rescue. No!—not even a conflagration of the city.'"

A French paper, edited by a suspended French priest, made the following comments on the release of Judge Terry:

"David S. Terry was convicted of two crimes—resistance to the orders of the Vigilance Committee, and an assault upon Sterling Hopkins—and the conclusion that is arrived at from this conviction is that he should be set at liberty. But, say the members of the Executive Committee, we have not the power to punish. Of what power do you speak? Of legal power? You never had it. Of revolutionary power? That you had. If you sent away Cooney for his women-whipping, and Mulligan for his personal violences and ballot-box stuffing, why did you not expatriate the murderous Judge? But his friends would have rescued him—it would have been impossible to put him on board any vessel without his friends knowing it. And even if he were rescued by his friends he would be disgraced by the sentence passed upon him, while you would have nothing to do but declare his culpability without reference to the punishment. It was a denial of justice to the people, for never has a judge, no matter who he may be, allowed a jury to declare guilt without affixing to it some punishment."

CHAPTER XV.

Trial of the Committee to adjourn — The demand of the State authorities upon the General Government for assistance — A new cause of excitement — New tragedies — The killing of Randall by Hetherington, and the execution of Brace and Hetherington by the Committee.

It was now expected, that as the Committee had completed their labors, there was no more necessity for their organization, and several motives were urged for and against the abandonment of the course pursued by them. In the first place they had proceeded so far, it was thought impossible to revoke, except by an entire revolution of the State. Secondly, if they did give up their organization, it was suspected that they would be subjected to the heaviest penalties. Thirdly, it was held out that if they surrendered up their power, all the good they had effected would be lost; and lastly, they pretended to stand upon a point of etiquette with the Governor of the State, as to whether they should first surrender up their assumed power, and return the arms which they had forcibly taken from the State, or whether he should withdraw his proclamation declaring the county to be in a state of insurrection.

To mitigate the rigors of the "*Decensus Averno*" which awaited the Committee, and to save themselves from the consequences of their "high fall" from power, they issued an address on the eve of their dissolution, full of cunning, sophisms and novel propositions in the history of human government. In fact, it was contended by them that a fraction of the people of a State, if they could obtain the power, were justified in revolu-

tionizing the State, and trampling its constitution and laws under their feet.

The verdict of the press in the majority of cases was, however, against them, and the voice of all past history and experience condemned their policy. It will be recollected that the Governor had despatched a commissioner to Washington for the purpose of securing the aid of the federal authorities against the insurrectionary county. It appears however, that they refused to interfere in the matter, alleging as a reason, that the only way in which a State could obtain such aid, was by calling the Legislature together, which in this instance was not done. Every door was now closed by which the power of this illegal organization could be crushed, and it was left to time or chance to bring about that result.

The Committee had, since their organization, notified twenty-four persons to leave the State, never to return under penalty of death.* Two had been executed, one had committed suicide. Three were ordered to leave the country, but they disobeyed and fled into the interior; and two who were suspected of aiding in the death of King, had fled.

The Committee had now disposed of all their prisoners with the single exception of one named Philander Brace, who was doomed by them to execution.

An occurrence took place which gave this organization another opportunity for gratifying the morbid taste of the populace for blood, as well as affording those reformers a lesson, that all their military parade and frequent executions would not put a stop to the commission of wrong, that their exertions were powerless, and the seed which they had planted and watered with blood, still produced blood.

On the afternoon of Thursday the 24th day of July, about half past three o'clock, a difficulty occurred between two men named Randall and Hetherington, which grew out of some pecuniary matters between these per-

* The Hon. D. C. Broderick was one of the persons who was sentenced to be banished, but his sentence was however afterards revoked.

sons. It was charged by Hetherington that Randall had defrauded him out of a large sum of money. Both of these men happened to meet together at the St Nicholas Hotel, San Francisco. Hetherington advanced towards where Randall was, and seizing him by the whiskers, jerked him from the position where he was standing; both parties instantly drew their pistols and fired at each other simultaneously. After five or six shots were fired, Randall retreated from his antagonist, while Hetherington followed him up and fired upon him, the last shot penetrating the left temporol bone about two inches posterior to the internal of the eye, and disorganizing the entire interior portion of the middle lobe of the brain, from the effects of which he died on the 21st of July. The police of the Vigilance Committee were soon upon the spot where the tragedy occurred, and having secured Hetherington, conveyed him to their fortress. The Executive Committee were speedily convened, and the trial of Hetherington was proceeded with. This body, upon the same day that the killing took place, sentenced him to be executed, and fixed the time on the 30th of July for the carrying out of their mandate. During the early portion of the 30th of July in the vicinity of the rooms of the Committee of Vigilance, workmen were engaged in the construction of a scaffold, which it was presumed was to be the tragic scene of the death of the two men Hetherington and Brace, who were doomed as a sacrifice to appease their vengeance.

The day was clear and beautiful, and the bright sun which sheds its rays alike upon the just and upon the unjust, shone with unusual brilliancy. About mid day, towards the secret chambers might be seen moving bodies of armed men, until the number of horse and foot which had congregated must have amounted to at least five thousand men.

The gathering together of the troops of the Committee around their fortress became the signal for a general rush towards the place, by those whose morbid curiosity needed gratification by the witnessing of the awful spec-

acle of two human beings being hurried into eternity. In their haste to reach the place of execution, men, women and children trod each other down. The troops of the Committee next flanked the streets which led from the Vigilance fortress to the place of execution, while every avenue which led thereto was guarded by cannon and patrolled by cavalry.

From an early hour people talked of nothing else but the approaching execution, and many were the surmises in regard to the hour at which the entertainment would commence. From noon until the execution took place the streets leading to the vicinity of the arsenal, were one living, excited mass of humanity, rushing pell mell to get a sight at the show.

Women and children struggled and tossed about to obtain favorite locations. The houses in the vicinity were crowded, and lorgnettes were in demand. The owners of some of the nearest houses made quite a handsome thing of it by letting out their windows and house-tops at one dollar per head. Men swore and jostled each other about in the excited sea of humanity, and such an indecent display of ribald blasphemy—such an entire absence of the respectful solemnity which should characterize so awful an occasion as the hanging of a fellow-creature, has never within our knowledge occurred before in the annals of civilized or profane history. May we never be necessitated to look upon its like again.

There was a marked difference in the behavior of the two men since they were made acquainted with their fate. Hetherington appeared astonished, but thoughtful and mild. He seemed to have a full sense of the awful end staring him in the face, but the education of the man and his belief in the unlimited goodness and grace of his Creator buoyed him up. Brace, on the contrary, behaved from the beginning with the most careless and reckless indifference. He would get up in the morning, black his own boots, stand at the bars of his cell, pulling up his shirt collar and swear at his French guards, calling them "frog eaters" and other choice epithets. Bishop

Kip visited both prisoners and was informed by Hetherington that he was prepared to meet his Maker. Brace scoffed at the Bishop's spiritual overtures and fired at him a volley of invective. Holding out his open hand, he remarked to the reverend gentleman, "Do you see that hand; it's the hand of a thief; I was born a thief, I will die a thief, and oh! what an intense delight I have always experienced in robbing; it made me feel so good to see them feel so bad when they lost any thing."

The Committee had probably under arms about fifteen hundred men. Companies of infantry surrounded the block bounded by Davis, Sacramento, Commercial and Front streets. They remained a portion of the time standing on their arms, while at intervals they would change positions in the line. A brass field-piece belonging to the State, but which was kidnapped by the Committee, was stationed on the corner of Front and Sacramento streets, under the charge of some of the members of the late California Guard. Another was located at the corner of Sacramento and Davis streets. The house-tops of the Committee buildings were covered with musketeers. Companies of cavalry were charging and prancing around to the infinite terror of the draymen and apple-venders. There seemed to be a general disposition among the military to smoke. They appeared exceedingly cheerful and behaved with the coolness of veterans. We may do them injustice, but we thought we noticed a sly and quiet sort of satisfaction in the performance of the duty of keeping the crowd back.

When one of the infantry companies was moving down Sacramento street at a dog-trot gait, a shout of laughter went up from the humorous crowd. A man, in attempting to climb on top of a house, fell into the water, and the multitude fairly went into ecstacies — loud cries "Fish him out," "Send him a life preserver." The roofs of several houses and sheds, overloaded with humanity, could not stand the pressure and came down with a crash, but singular to relate, no one was seriously hurt; a few bruises, some barked shins, and shocking

bad hats were the only damages done. Every time a house would cave in the crowd became delirious with fun, and a volume could be written of all the brilliant scintillations of wit and humor that sparkled from that industrious band of spectacle-gazers. At one time, on Commercial street, opposite the Committee-rooms, the infantry charged the masses who were on a line of the street, and drove them into the open lot at the point of the bayonet. In this gallant and dashing affair, one of their own officers had a bayonet shoved at his throat, and but for a very scientific and well executed duck of the head, he would have gone to keep company with the spirits of Hetherington and Brace in the land of shadows.

A couple of ambitious young men who were determined to be in at the death, procured a long plank, and elevating it against a house, went through some of the tallest kind of gymnastic exercise. They were incited on by the groundlings with such encouraging remarks as, "Go in, lemons!" "Now's your time, fatty, he's gaining on you!" On top of one of the buildings, some enterprising daguerreotypist had his instrument all ready to take a sketch. Money out of misery — mammon and the gallows! There were some glaring abuses of the tower muskets, which were confined to various members of the Prætorian Guards. An instance of this occurred on the roof of the Committee-buildings on Sacramento street. A juvenile veteran, in his eagerness to observe what was going on in the street below, was leaning over the parapet and dropped his musket on the roof, which exploded. By the blessing of God, the bullet went into the zinc, otherwise some one of the unlucky spectators in the vicinity might have witnessed his own execution rather than that of the unfortunate wretches whose end was approaching.

Great was the disappointment when it was ascertained that the hanging would not take place out of the windows of the bastile. At half-past three o'clock the erection of the gallows commenced. It was constructed under the supervision of Messrs. Capprice, Hesse and

Durkee, who displayed a very scientific knowledge of this classical style of architecture. The scaffold was located on Davis street, about fifty feet north of Sacramento street. It was designed and executed after the most approved style, and was ingeniously made to serve the purpose of a double hanging. It was about twenty feet high, with a drop of about five and a half feet, and just such an old fashioned instrument of death as many a tall fellow has swung from. At five o'clock the ropes were sent from the rooms to the scaffold; at twenty-five minutes past five they were adjusted to the beam, and at half-past five o'clock the apparatus of death was ready for its victims. The time occupied in the erection of the gallows was exactly two hours.

The house-tops in the vicinity were crowded. All eyes were bent upon the mechanics who were busily engaged in constructing the gallows. The ribald jest—the horse laugh—the foolish jest echoed from building to building from the *canaille* by whom they were occupied. Such conduct excited the disgust of all present. To such a pitch had this disgraceful conduct proceeded that it was found necessary to check it if possible. General Doane, attended by his aid-de-camps, rode up and addressed the crowd of spectators on the roofs: "I don't want to hear another word from you. I don't want to hear a single word more. I want perfect silence. If I do not get it, I will order you all away from there."

A VOICE FROM THE HOUSE-TOP.—"The fellow who has been creating all the disturbance is behind the house."

GENERAL DOANE.—"If I can find him I will arrest him."

After this little episode, quiet was restored and all eyes were bent upon the workmen engaged in building the gallows—they hammered away and sawed and adjusted the ropes and pulled them taut and made all right. When they had concluded their work, the armed guards presented arms and opened a line to admit the procession from the rooms of the Vigilance Committee to the gallows to pass. The Executive Committee of the Com-

mittee of Vigilance, arm and arm, then marched from their rooms to the gallows. The armed guards received them with arms presented. They took up a position at the north side of the gallows on Davis street.

At this stage of the proceedings the roof of a house on the corner of Commercial and Davis streets, upon which a large crowd of the noisest, and we must say, the most unruly of the spectators were seated, gave way, and a large number of those who were upon it were precipitated to the next floor. The caving in of the roof was predicted by several gentlemen a few minutes before the catastrophe occurred, and, as we believe nobody was seriously hurt, we may say that it may have been a just judgment.

A few minutes after the falling of the roof of the house alluded to, two carriages, the first containing Brace and the second Hetherington, arrived at the gallows. They were escorted by the police of the Vigilance Committee, with pistols. Both the prisoners alighted and ascended the scaffold with the utmost composure.

Hetherington was a tall man, with large black whiskers, and looked quite unconcerned. He was dressed in black, and wore a straw hat. Brace appeared to be a very young man. He ascended the scaffold with his hands in the pockets of his pantaloons. He wore a brown coat and light vest. So careless and unconcerned did both appear, that nobody would, from looking at their countenances, come to the conclusion that they were the criminals who in a few moments were to be launched into eternity.

The most conspicuous of the crowd assembled on the scaffold was the hangman.* He was attired in a black domino of muslin, and also a black muslin cap. He was, of course, the "observed of all observers." We never in our life looked upon a more villainous countenance. He seemed to have been cut out by nature for the office which he filled.

After arriving on the scaffold, Hetherington and Brace took a position side by side. The former on the

* Nixon.

north and the latter on the south side. The hangman then removed the cravat from the neck of Brace. Hetherington removed his own cravat. Brace turned to his fellow-victim and shook hands with him. The ropes were then adjusted about both their necks. While the hangman was thus engaged, Hetherington remarked, "Don't put it too tight around my neck — I want to speak to the people." When the rope was adjusted to the satisfaction of the hangman, Hetherington, as calmly and coolly as if he was addressing a public meeting assembled to do him honor, said:

"You may think I am a hard sinner. I appear before you mild and unconcerned. I am to meet my Maker in a few moments. To the best of my knowledge I have not lived one day in my life that I was afraid to meet my Maker. Do not think that I am a murderer. Such is not my case. Bishop Kip has been with me all day — not all day, but during intervals throughout the day."

Brace, who during the delivery of the above remarks, stood with his hands quite carelessly thrust in his pockets, and who appeared to be intoxicated, said:

"Have you (turning to the reporters near the gallows) got that all down? Go on, old horse, (to Hetherington,) and say what you have to say — I don't want you to be talking all day."

HETHERINGTON.—"I am not more penitent to-day than I ever was in my life."

BRACE.—(Squaring himself,) "Go on, sir."

HETHERINGTON.—"In conversation with Dr. Kip to-day, I assured him that I never lived a day that I was afraid" ——

BRACE.—"Oh, hurry up with your cakes — don't be so long about it."

HETHERINGTON.—(Continuing,) "To meet my God."

BRACE.—"I'm not going to stop here so long. I want to meet my doom immediately."

HETHERINGTON.—"If the gentlemen in whose hands I am wish it, I will stop" ——

SEVERAL VOICES.—"Proceed, proceed."

HETHERINGTON.—"Gentlemen, I do not display any more feeling now than the day on which I was taken into that house — I have" ——

BRACE.—"I want you all to understand that I, Philander Brace, have been murdered by the Vigilance Committee on the twentieth day of July, 1856. Do you understand that?"

HETHERINGTON.—"I still think so. Whenever you say stop, I will stop. I have to add one thing more, and that is, that so far as the killing of Dr. Randall is concerned, I would merely say that I had only asked a question, when he turned around and drew his pistol."

BRACE.—"Go on, sir."

HETHERINGTON.—"I merely wanted to save my own life. I have lived all my life a gentleman, though I am about to end my career on the gallows. I defy the whole world to prove a dishonorable act upon me."

BRACE.—"Go away from me, you son of a b——," (to the hangman, who was fumbling about his neck.)

HETHERINGTON.—"In the conversation I had with Bishop Kip"——

BRACE.—"I don't care about Dr. Kips or Dr. Cripps."

HETHERINGTON.—"What was my last sentence? The conversation with Dr. Kip turned"——

BRACE.—"I am drunk. I am all right. I am a regular thieving son of a b——h."

HETHERINGTON.—"The conversation turned on Randall, and I told him that I never lived a day that I was not prepared to meet my God."

BRACE.—"Speak out — speak out like a man, sir."

HETHERINGTON.—"I have merely to add that I have no hard feelings against any one. I expect that my Redeemer will forgive me. I forgive every man. May the Lord have mercy upon your souls! But, gentlemen, I have to make one remark which few people may credit."

BRACE.—"Go on, old horse!"

HETHERINGTON.—"I have merely to say that during my trial, Mr. Gillespie insulted me very much, but I

freely forgive him. I think Mr. Smiley was friendly to me."

BRACE (to his companion).—"Roll yourself up in the American flag and die like a son of a b——h."

HETHERINGTON.—"My witnesses were not summoned."

BRACE.—"Go on, old horse."

HETHERINGTON.—"No jury on the face of the earth would have convicted me. So far as a trial is concerned, I have had no such thing. I am not afraid to meet my God. May the Lord have mercy upon my soul."

BRACE.—"I hope he may, old horse."

HETHERINGTON.—"I forgive every one. Gentlemen, I am here the spectacle of you all. May the Lord have mercy upon me!"

The caps were then adjusted around the necks of both, and Hetherington, when the cap was pulled down, said: "God bless you all! God bless you all! God bless Mr. Fletcher Haight! I wish I could have seen Mr. Henry Haight before I died." Here the bell tolled the fatal knell and the two were launched into eternity!

The bodies, after swinging idly in the air for the space of half an hour, were cut down and taken possession of by the coroner. They were laid out after their execution in the coroner's office in plain coffins, and in the same habiliments in which they were hung. During the evening, the office was visited by crowds of idle and morbid horror-gazers. The countenances of both looked very natural, and from their placid appearance they probably suffered but little pain. An inquest was held at the coroner's office, when the same legal farce was again enacted which had heretofore transpired when the bloody acts of the Committee had come up for investigation. The jury returned a verdict that the unfortunate men came to their death by the hands of the Vigilance Committee.

The execution of Brace and Hetherington made up five persons who had met with violent death at the

hands of the Committee since its organization.* A dread silence now pervaded society — the scenes of the last two months had shocked humanity — they filled the minds of the friends of constitutional liberty with grave doubts as to the possibility of the permanence of a republican form of government, and for the moment made them wish that some single despot would assume the reins of power, instead of the many despots who now ruled them.

The history of the French Revolution — the horrors of the Inquisition — the Bastile, or the Vehemic Council was more than paralleled by this unwarrantable usurpation of the rights of citizens of the United States.

* Included amongst these was Yankee Sullivan, who had been cut with a sabre by a noted French thief, who was on guard over him in the cell where he was confined. The truth of the statement of this occurrence is vouched for. It is said that the Vigilance Committee spirited the murderer out of the State, where he told of the perpetration of the act.

CHAPTER XVI.

The return of one of the expatriated, Bulger — The action of the Committee thereon — The closing scenes of the Committee — Proposition to adjourn — Grand Gala day of the military — Reasons which urged their dissolution — Restoration of peace — Suicides of some of the actors in the Vigilance drama — Assumes a political position and controls the politics of the County of San Francisco — No disbandment of the Committee — Rev. Dr. Scott hung in effigy in front of his own church — General reflections upon the occurrences.

During the latter portion of the month of July another event occurred which enabled the Committee to gratify the unnatural appetite of their adherents for blood. A man named Bulger, one of the banished, returned, notwithstanding the penalty of death was denounced against all who should return to the State. Bulger, with Edward Gallagher, had been expatriated to the Sandwich Islands, and upon their arrival there were ordered by the authorities at that place to return to San Francisco, which Bulger did. As soon as the news of the arrival of this man became known to the Executive Committee, the vessel which conveyed him was boarded by the detectives of the Committee with the usual despatch which marked their proceedings, and a council of the members was at once called to decide upon his fate. The more rabid members of the Committee clamored loudly for his execution; the press spurred on the cry of kill him; but the sober thinking of the Executive came to the determination to revoke the sentence of death, and published the following decree:

ROOMS OF THE COMMITTEE OF VIGILANCE.

A resolution was passed on the 4th of June, 1856, by the Executive Committee, sentencing Edward Bulger to leave the State of California, never to return under the penalty of death.

A sub-Committee was appointed to read to the prisoner the sentence passed upon him; also to other prisoners whose banishment had been ordered.

As Bulger was laboring under the effect of intense nervous excitement and debility, the sub-Committee concluded to defer the reading of his sentence until just previous to his removal from the cell.

It now appears from the testimony of the sub-Committee, that in the confusion which arose on the departure of the prisoners from the building, the reading of the sentence was omitted.

It also appears from the statement of Captain Smith, of the bark Yankee, that the application of Bulger for passage back to this port was the expression to him of his (Bulger's) desire to return to the Committee, to obtain from them their permission to proceed to New York.

Under these circumstances, the Committee of Vigilance deem it a duty to remit the sentence of death passed upon Bulger for his return to this State. At the same time, it is deemed proper to state that all other prisoners shipped hence, having had their sentence read to them, in case of return will suffer the penalty of death. "BLUXOME, 33, Secretary."

This decree contained the first instance of clemency exhibited by the Committee from the commencement of their organization. It also showed how weak and futile were their former resolutions to put each of the expatriated who should return, to death.

There were various causes which now conspired to bring the labors of this illegal organization to a close. A general election was approaching, and it was considered probable that if their organization was continued in defiance of the Governor's proclamation, that the popular vote of the County of San Francisco would be excluded from the canvass (owing to the fact of that county being declared in a state of insurrection.) As a premonitory sympton of the demise of this body, they fulminated an address to the people of the State in which they endeavored to apologize for their treason. In this address they declared their intention to disband, but affirmed that when necessary they would be ready to again perform the same acts heretofore committed by them. The

public were, however, admonished by their previous proceedings, that no reliance was to be placed in their professions.

They determined to close their career by an imposing demonstration of their military power, and spared no pains in their preparations for this purpose. This event was fixed for the 18th of August, 1856.

The following sketch of the affair from one of their own papers, will give the reader an idea of the magnitude of the affair:

The review of the troops took place at half-past two o'clock, on Third street, San Francisco. This thoroughfare was evidently selected for the reason that it affords an unbroken line of view of near or quite a mile in extent. The ground at the southern extremity of the street is generally ascending, which circumstance is highly favorable to a military review on a large scale as that of yesterday.

The companies marched from their different armories, and came upon the ground taking their places like veteran troops. By half-past twelve o'clock all the companies had arrived and were in line. The right of the line resting on Mission street and the extreme left on Bryant street, by which it will be seen that the line extended from right to left, about seven-eights of a mile. The infantry were formed in double rank.

The following is the order in which the troops appeared in review:

LIGHT ARTILLERY.

Ten brass and iron field pieces—Capt. Johns.

MARINE BATTERY.

Five mounted guns.

CAVALRY.

1st Battallion, 107 horse.
2d Battallion, 109 horse—Major Frank Baker.

INFANTRY.

1st *Regiment*—Major Geo. Watson, commanding four companies, 200 muskets, composing
Citizens Batallion.
Company A—Capt. Allen.
Company B—Capt. Loring.
Company C—Capt. Twiggs.
Company D—Capt. McElroy.
Company one, Executive Guard, 65 muskets—Capt. Taylor.
Company two, 85 Rifles—Capt. Parks.
Company three, 90 muskets—Capt. Garrett.
Company seven, 98 muskets—Capt. Hossefross

2d *Regiment*—Col. Badger, commanding.
Company six, 75 muskets—Capt. Doty.
Company twelve, 60 muskets—Capt. Baily.
Company eight, 80 muskets—Capt. Godfrey.
Company nine, 70 muskets—Capt. Gray.
Company ten, 50 muskets—Capt. Clark.
Company eleven, 70 muskets—Capt. Yates.

3d *Regiment*—Col. H. S. Fitch, commanding.
Company thirteen, 75 muskets—Capt. Hager.
Company fourteen, 75 muskets—Capt. Keys.
Company fifteen, 102 muskets—Capt. Clapp.
Company sixteen, 50 muskets—Capt. Bryant.
Company eighteen, 68 muskets—Capt. Sheppard.
Company nineteen, 50 muskets—Capt. Bennett.
Company twenty, 100 muskets—Capt Dotey.

4th *Regiment.*
Company twenty-one, 60 muskets—Capt. Mayerback.
Company twenty-two, 60 muskets—Capt. Folger.
Company twenty-three, 80 muskets—Capt. Little.
Company twenty-four, 60 muskets—Capt. Patten.
Companies twenty-fifth and twenty-eight, French Legion, 200 muskets.
Company twenty-seven, 106 muskets—Capt. Gough; this Company was formed into two Divisions,
Capt. Loop, commanding 2d Division.
Company thirty, 65 muskets—Capt. Smith.
Pistol Company, 100 pistols—Capt. Gibbs.
Police Force, 150 men—Capt. Wallace.

At two o'clock the discharge of artillery on the right of the line announced that the review was about to take place, and at the word, the ranks opened and the troops presented arms, and the drums beat, and people got out of the way, and General Doane and his staff and the Executive Committee of the Committee of Vigilance, galloped along the line front and rear, in magnificent style.

THE PROCESSION.

When the review was over, the whole line wheeled into marching order, and preceded by Gen. Doane and staff, commenced to move.

In the procession the rear of the artillery was brought up by a superstructure of canvas and timber on wheels, painted to represent the famous "Fort Gunny Bags." This miniature fortress was mounted with five guns of small calibre, and made a very formidable appearance. The Executive Committee had a position in the rear of the artillery, and preceding the cavalry. After the cavalry came the members of the Committee of Vigilance of 1851, preceded by their banner. The banner, it will be remembered, was presented to the old Committee upon the close of their

labors. The front is of blue silk, and bears the following inscription in golden letters:

"The Vigilance Committee of San Francisco. Instituted June 8th, 1856.
"Protection
"To the lives and property
"Of the citizens and residents of
"San Francisco."

[The quotation is from the first Article of the Constitution of the old Vigilance Committee.]

The reverse of the banner is of pink silk, and bears the following inscription:

"Presented to the
"Vigilance Committee of
"San Francisco by the Ladies of
"Trinity Parish, as a
"Testimonial of their Approbation."
"DO RIGHT, AND FEAR NOT."

The order of the troops in the march was the same as on the review. There must have been three thousand persons in the procession, and some idea of its extent may be had from the fact that it reached quite the distance of ten squares.

Great as the procession was, it failed to inspire in the breasts of the opponents of the Committee any other sentiment than hate and defiance of their power. It was a mournful rather than a pleasant spectacle; mournful for the cause of constitutional government and the violation of the rights of citizens; mournful, for it was a triumph of treason over legitimate authority. The Committee had not as yet given up the arms which they had captured from the State authorities, although frequent demands had been made upon them. They loudly clamored about the continuance of the proclamation of the Executive, in regard to the insurrectionary county, but it was not to be supposed that this officer would have withdrawn such proclamation until proof was afforded him of the intention of those in arms against the State to surrender their usurped power, and to submit in obedience to the laws. The demolition of their sand-bag fortification was commenced, a sale was made of their arms and the effects of their fortress, which were put up at auction, and with an eye to business, the ropes with which the unfortunate men who fell into their hands, were disposed of to the populace, who wished to retain some

relic of the remains which were used to extinguish the lives of the victims to violence.

As a reason for the step taken by the Committee in effecting a sale of their effects, it was said that the organization was in debt, the cost of keeping it up being estimated at five hundred dollars per day. How the Committee contrived to make up this immense sum is uncertain; it was mainly collected from the business men of the county by an assessment imposed by the Executive Committee on them; those who refused to pay being published in their bulletins as defaulters. Those who headed this organization determined that no expense should be spared to perpetuate their victory over the law, medals were distributed, a magnificent engraving of a certificate of membership in the Committee was executed and delivered to each member, and for some time those evidences of a season of madness were paraded to the public gaze; but as calmer times came when reason had returned to society, one by one those evidences of the foulest blot that ever marked the escutcheon of America since the days of its independence, were hidden from the public gaze:—it is to be hoped to be seen no more. One of the most fiendish acts of the Committee, and one which exhibited an utter disregard for the amenities which should govern men in their intercourse with each other, was committed after the ceremonious adjournment of the Vigilance Committee. It appears that the Reverend Dr. Scott, the pastor of Calvary (Presbyterian) Church, in San Francisco, a man who was highly esteemed for his learning and piety, had taken strong grounds against the acts of this illegal organization, had written and expressed opinions hostile to its aims and objects. As soon as his hostility became known, the vengeance of the press of the city was leveled at his head, and as an evidence of the relentless persecution with which they pursued him, he was hung in effigy on Sunday, the 6th of October, opposite the church of which he was pastor, while his congregation were preparing to attend divine service.

The adjournment of this anomalous body tended some-

what to restore society to that state of quiet which it was so much in need of. The irritations and heart-burnings which existed between citizen and citizen, growing out of those local difficulties, had began to abate, and men who in those times of heated passion had neglected their occupations, began to resume them.

The Courts, whose doors had been well nigh closed to the demands of suitors, were again opened, and the dull aspect of the streets began to be enlivened with signs of trade, which had so long languished.

The surrender by the Committee to the Quartermaster-General of the public arms and munitions of war in their possession, was followed by the withdrawal of the Governor's proclamation, declaring the county in a state of insurrection. The people of the county were therefore authorized to resume those franchises which are conferred on them by the Constitution—especially the right of suffrage, by the exercise of which, they could, in a peaceful manner, reconstruct a new system of government upon the ruins of the old, and entrust its several departments to new officers. This act of Executive amnesty contained no reservations in regard to the Committee of Vigilance, but admitted them to the enjoyment of the privileges of the most favored citizens of the State.

At the time of the organization of the Vigilance Committee, it was thought by those best acquainted with its material, that it would in the end, assume a control over the politics of the county, while this body on their part denied any such intention. But as the election approached, it became discernable that the local difficulties of the time would enter largely into the canvass.

The men who had so long held out against encroachment upon the Constitution and the laws, who had denounced the acts of the Committee, and taken up arms at the call of the Executive of the State when the County of San Francisco was the scene of disorder, now joined hands together, and determined to make the Vigilance question the issue in the election.

How far this illegal organization were sincere in their

assertions that politics should be excluded from their organization, is apparent from what followed during the trying issues of the general and Presidential election of 1856. In the first place this body of men had succeeded in nominating their candidates for every local office in the city and county, and demanded distinct pledges of all candidates for the Legislature that they would not only endure the acts of the Committee, but that if elected they should pledge themselves to favor the passage of an amnesty act for the purpose of shielding them from prosecution. It is evident that the candidates who gave these pledges belonging to the Republican party, were elected, while the candidates of the Democratic party who refused to give such pledges, were defeated. And it was also evident that nearly all the candidates of the Committee for the local offices of the county were successful, while those who were opposed to them were defeated.

The results of such events are worthy of consideration to the statesman. True, the Constitution of the United States secures to every citizen charged with an offence a public trial by a jury of his peers, and to be confronted with witnesses, as well as to have counsel on his behalf. But what security follows to the citizen when such events occur as are here recorded? The members of that illegal organization would have just cause of complaint if the friends of the Constitution and the law, without the forms of law, had submitted them to trial for the offences with which they were justly chargeable, and against which there was no statute of limitation. The evils which flowed from the insurrection were not alone confined to the members of the Committee of Vigilance, but involved the innocent in the ruin. The destruction of commercial credit, the withdrawal of money invested by foreign capitalists, the paralysis which fell like an electric thunderbolt upon all the branches of trade and industry. The sentiment of distrust which pervaded all ranks of society; alienation of friends; the sudden memorable fall of real and personal property of every description to a merely nominal value; the bad pre-

cedent set as an example to posterity; the obstacles which it has interposed to the rapid settlement of the State, are among the evils whose origin is clearly traceable to the Committee, and which overwhelmed themselves as well as the State in a common ruin. The personal responsibility which attached itself to every one of the members of this organization, in no matter what land they may dwell, will weigh them down for years in heavy penalties for their infractions of the Constitutional rights of the citizens on whom they laid their lawless hands. If they had faithfully performed their duty as citizens, at the ballot-box and on juries, there would have been but little cause of complaint for the existence of the evils which they claimed existed. It is to be hoped that this shall be the last resort to overthrow by violence the government which the people have created, and for the cure of defects in which they have always at hand a peaceable remedy.

The annexed note which came to light some time after the disbandment of the Committee, shows how binding was the obligation taken by members of the Committee upon their entrance within its portals. It is from Mr. B. F. Moses, private secretary of Marshal Doane:

"Aug. 3d, '57. Mr. ——— ———, Sir, Your communication of the 1st inst. is before me. In reply to the question propounded to me, I beg to say that no member of the Vigilance Committee *can resign under any circumstances*—the only way they can be relieved from their voluntary obligation is by expulsion. No man has ever taken the obligation without knowing what he was about."

Several members of the Committee committed suicide after.

APPENDIX.

NAMES OF OFFICERS OF THE VIGILANCE COMMITTEE.

CIVIL ORGANIZATION.

Arrington, N. O.
Arrington, Wm.
Bluxome, Isaac (33) Secretary.
Burke, M. J., Present Chief of Police.
Brittan, J. W.
Bokee, —.
Beals, E. S.
Coleman, W. T., President.
Case, Chas. A.
Crary, O. B.
Dellesert, Eugene.
Doane, Charles, Grand Marshal.
Dows, James, Treasurer.
Dempster, Chancy J.
David, Jules.
Durkee, J. L.
Farwell, J. D.
Fish, J. H.
Flint, E. P.
Grisar, Emile.
Goddard, E. B.
Gillespie, C. V.
Gorham, E.
Hale, Henry M.
Hutchins, U. P.
Hopkins, —.
Ludlow, Chas., Deputy Sec'y
Manrow, J. P., Judge Advocate
Meyer, Wm., Deputy Treasurer.
Nutting, Calvin.
Nixon, R., Hangman.
Osgood, J. K.
Olney, James N., Deputy Grand Marshal.
Page, F. W.
Rogers, Wm.
Smiley, T. J. L., Vice President and Prosecuting Attorney.
Seligman, J.
Thompson, W. T.
Tillinghast, W. H.
Truett, Myers F.
Tubbs, H.
Titcomb, J. H., Evidence Committee.
Wallace, R. B. Chief of Police.

MILITARY ORGANIZATION.

Charles Doane—Major General.

Staff Officers—N. W. Coles, Quartermaster-General and Colonel of Cavalry; Aaron M. Burns, Deputy Commissary General and Lieut. Colonel of Infantry; James Dows, Paymaster General and Lieut Colonel of Infantry; William Meyer and Eugene Dellesert, Paymasters-General and Majors of Infantry; Cyrus G. Dyer, Adjutant and Inspector-General and Major of Infantry; Henry Baker, Quartermaster-General and Major of Infantry; R. R. Pearce and M. McManus, Assistant Quartermasters and Captains

of Infantry; J. W. Farrington, Assistant Commissary and Captain of Infantry; R. Beverly Cole, Surgeon of the Staff and Major of Infantry; George G. Potter, Aid to Major General and Major of Cavalry; N. B. Stone, A. M. Ebbetts, T. M. Wood, O. P. Stedman, George R. Mason, T. A. Wakeman, Felix Brissac, C. H. Vail and George R. Ward, Aids to Major General and Majors of Infantry; James B. Hubbell, John M. Schapp and B. F. Moore, Aids and Secretaries to Major General and Captains of Infantry; J. N. Olney, jr., Aid and Secretary to Major General and First Lieut. of Infantry; James N. Olney, Brigadier General; R. A. Lammot, Henry M. Jones and R. M. Cox, Aids and Captains of Infantry.

Artillery.—Thomas D. Johns, Colonel; J. F. Curtis, Lieut. Colonel; R. B. Hampton, Major. Company A, J. Mead Huxley, Captain; Company B, James Richie, Captain; Company C, H. C. F. Behrens, Captain; Company D, J. H. Hasty, Captain. James F. Curtis, commanding reserved artillery.

Battalion Cavalry—Frank Baker, Major; First Squadron, G. G. Brady, Captain; Second Squadron, S. Sewell Beard, Captain.

Infantry—The First Regiment officered as follows: Col. J. S. Ellis, Lieut. Colonel; John A. Clark, Major; J. P. H. Wentworth, Quartermaster; H. H. Thrall, Adjutant; L. K. Wilder, Commissary; R. M. Cox, Sergeant Major; H. W. F. Hoffman, Quartermaster's Sergeant, and composed of eight Companies, viz: Company A, W. C. Alden, Lieut. Colonel commanding; Company B, H. L. Twiggs; Company C, A. C. Loring; Company D, J. V. McElwee; Company 1, J. M. Taylor; Company 2, (riflemen) L. W. Parks; Company 3, Jonathan Gavatt; Company 7, Geo. H. Hosseltons.

Battalion Citizens Guard—First Regiment: — Watson, Major. Second Regiment: J. B. Badger, Colonel; J. S. Hill, Lieut. Col., A. H. Clarke, Major; Giles H. Gray, Quartermaster; E. B. Gibbs, Adjutant; F. A. S. Howe, Commissary; —— Sergeant Major; Judah Alden, Quartermaster-Sergeant, and composed of Eight Companies, viz: Company 6, W. R. Dorey; Company 12, C. G. Bailey; Company 8, Godfrey; Company 4, A. H. King; Company 5, C. R. Bond; Company 10, J. Wightman; Company 11, Geo. Gates; Company 9, J. Wood, Captain. Third Regiment: H. S. Fitch, Colonel; Caleb Clapp, Lieut. Colonel; composed of Eight Companies—Company 13, E. J. Smith; Company 14, W. S. Keyes; Company 16, B. S. Bryan; Company 17, (riflemen) E. S. McDonald; Company 18, P. W. Sheppard; Company 19, R. H. Bennet; Company 20, S. Gutte. Fourth Regiment: Francis J. Lippitt, Colonel; John D. Quirk, Lieut. Col.; B. L. Weil, Adjutant; Company 25, J. Sanfrignon; Company 28, L. Armand. French Legion—Villaseque, Major; Company 24, W. H. Patten; Company 27, C. H. Gough; Company 21, S. Meyerhack; Company 23, J. T. Little; Company 30, W. O. Smith; Company 22, O. L. Barker; Company 29, S. L. Harrison. Pistol Battalion—Two Companies, commanded by Captains, Webb and E. S. Gibbs.